



**MINUTES OF COUNCIL MEETING
HELD ON 5 NOVEMBER 2002**

TABLE OF CONTENTS

No:	Item	Page
	APPOINTMENT OF ACTING CHAIRMAN	1
	OPEN AND WELCOME	1
	ATTENDANCES	1
	PUBLIC QUESTION TIME	2
	APOLOGIES AND LEAVE OF ABSENCE	10
	DECLARATIONS OF FINANCIAL INTEREST/INTEREST AFFECTING IMPARTIALITY	10
	CONFIRMATION OF MINUTES	11
	MINUTES OF COUNCIL MEETING, 15 OCTOBER 2002	
	MINUTES OF SPECIAL MEETING OF COUNCIL, 25/29 OCTOBER 2002	
	ANNOUNCEMENTS BY THE ACTING CHAIRMAN WITHOUT DISCUSSION	11
	PETITIONS	11
	REPORTS	
CJ261-11/02	VACANCIES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - COMMITTEE VACANCIES – [02011]	12
CJ262-11/02	MINUTES OF THE HOUSE COMMITTEE MEETING HELD ON 14 OCTOBER 2002 - [59064]	17
CJ263-11/02	MINUTES OF THE CBD ENHANCEMENT PROJECT STEERING COMMITTEE MEETING HELD ON 10 OCTOBER 2002 – [53469]	21
CJ264-11/02	JOONDALUP CBD – COUNCIL ENDORSEMENT FOR A CALL FOR SUBMISSIONS FOR SWAP MEET OR SIMILAR OPERATIONS – [53469]	24

CJ265-11/02	MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE, 26 SEPTEMBER 2002 – [00906]	30
CJ266-11/02	WARRANT OF PAYMENTS – 30 SEPTEMBER 2002 – [09882]	32
CJ267-11/02	FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2002 – [07882]	34
CJ268-11/02	RECOMMENDATIONS FROM THE NATIONAL YOUTH CONFERENCE HELD IN SEPTEMBER 2001 AND THE RESPONSE OF THE YOUTH ADVISORY COUNCILS – [38245] [05396]	35
CJ269-11/02	DELEGATED AUTHORITY REPORT – SEPTEMBER 2002 – [07032]	38
CJ270-11/02	SUBDIVISION REFERRALS PROCESSED 1 SEPTEMBER – 30 SEPTEMBER 2002 – [05961]	39
CJ271-11/02	COMMUNITY FUNDING PROGRAM 2002-2003 GRANTS ALLOCATIONS - FIRST FUNDING ROUND – [23523] [25523]	40
CJ272-11/02	PROPOSED SINGLE HOUSE (INCLUDING WALL ON BOUNDARY): LOT 151 (16) MONTAGUE WAY, KALLAROO – [42750]	49
CJ273-11/02	PROPOSED SHOWROOM/AUTOBAHN DEVELOPMENT: LOT 704 (9) WISE STREET, JOONDALUP – [54211]	55
CJ274-11/02	YELLAGONGA REGIONAL PARK MANAGEMENT PLAN – [03370]	63
C149-11/02	MOTION TO GO BEHIND CLOSED DOORS	67
CJ275-11/02	STREETSIDE BENCHES PROPOSED SETTLEMENT – [45612, 45924]	68
	REPORT OF THE CHIEF EXECUTIVE OFFICER	68
CJ276-11/02	LOT 62 PART A WINTON ROAD, JOONDALUP – [50180]	68
C150-11/02	MOTION TO GO TO OPEN DOORS	69
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	69
C151-11/02	NOTICE OF MOTION NO 1 – CR C MACKINTOSH	69
C152-11/02	NOTICE OF MOTION NO 2 – CR J HOLLYWOOD - [05564] [01369] [02154]	70
C153-11/02	NOTICE OF MOTION NO 3 – CR A WALKER	72
C154-11/02	NOTICE OF MOTION NO 4 – CR J HOLLYWOOD	73
	SECOND PUBLIC QUESTION TIME	74
	DATE OF NEXT MEETING	75
	CLOSURE	76

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 5 NOVEMBER 2002

C147-11/02 APPOINTMENT OF ACTING CHAIRMAN

The Director Planning and Community Development advised Councillors and members of the public that, as a result of the absence of His Worship the Mayor and the Deputy Mayor, there was the need for the Council to choose an Acting Chairman to this ordinary meeting of Council, in accordance with Section 5.6 of the Local Government Act 1995. The decision to appoint an Acting Chairman is to be by simple majority and in the form of an open vote.

MOVED Cr O'Brien, SECONDED Cr Mackintosh that Cr Kenworthy be appointed Acting Chairman for the Council meeting held on 5 November 2002, and ASSUME the Chair.

The Motion was Put and

CARRIED (8/4)

In favour of the Motion: Crs Baker, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands.
Against the Motion: Crs Carlos, Hollywood, Nixon, Walker.

OPEN AND WELCOME

The Acting Chairman declared the meeting open at 1904 hrs.

ATTENDANCES

Acting Chairman:

Cr G KENWORTHY South Coastal Ward

Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 2010 to 2014 hrs</i>
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2010 to 2012 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 2108 to 2112 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 1950 to 1955 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2010 to 2011 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>Absent from 2014 to 2016 hrs</i>
Cr M O'BRIEN, JP	South Ward	<i>Absent from 1937 to 1939 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>To 2125 hrs; Absent from 1933 to 1935 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Director Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Director, Corporate Services and Resource Management:	P SCHNEIDER
Manager, Marketing, Communications & Council Support:	M SMITH
Manager Audit and Executive Services:	K ROBINSON
Manager Approvals Planning and Environmental Services:	C TERELINCK
Manager Community Development:	G HALL
Manager Financial Services:	A SCOTT
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	G KELLY

There were 19 members of the Public and 1 member of the Press in attendance.

In Attendance

Mr Nick Manifis Walman Software

PUBLIC QUESTION TIME

The following question, submitted by Mrs M Macdonald, Mullaloo was taken on notice at the Council Meeting held on 15 October 2002:

Q1 At the last Council meeting Councillors were advised that, from legal advice given, it was quite in order to deal with the Special Electors' Meeting and also Cr Carlos' rescission motion. Is that correct?

A1 The advice from the City's legal advisors provided to all elected members was that the Writ did not attempt to deal with the merits of the planning approval in any way, and therefore the legal advisors were of the opinion that discussions on the merit of the approval was not in any way sub judice and was open for discussion by the Council

The following question, submitted by Mr V Cusack, Kingsley was taken on notice at the Council Meeting held on 15 October 2002:

Q1 Regarding Item CJ247- "Delegated Authority – Acceptance of Tenders" – If the main argument is to speed up the tendering process, can Council please explain why it reduced the number of Council Meetings per year and will Council consider reintroducing two Council Meetings per month?

A1 The Council reviewed its decision making process in March of this year, Report CJ062-03/02 refers, and a copy of this report can be provided if requested. The Council will again reconsider its decision making process prior to May 2003 and will give consideration to other options that may be available as part of the decision making process.

The following questions, submitted by Mr M Caiacob, Mullaloo were taken on notice at the Council Meeting held on 15 October 2002:

Q1 Is Lot 100 Oceanside Promenade going to be incorporated into Tom Simpson Park proper, and if yes, at what stage is the rezoning and re-status change currently at for this lot?

A1 It is believed that the question is referring to Lot 1, not Lot 100 that is the Mullaloo Tavern site. Council has not resolved to incorporate Lot 1 into Tom Simpson Park.

Q2 I refer to the Sorrento Beach Landscaping Plan – Does the labelling of the Sorrento Beach Redevelopment Plan as a master plan mean that the Surf Club is to be rezoned commercial or tourist site?

A2 No.

Q3 With my first question this evening regarding Lot 100 Oceanside Promenade, I was under the impression with Cr Baker's Motion No. 2 after the Special Electors' Meeting that Council had resolved to incorporate Lot 100 Oceanside Promenade into Tom Simpson Park proper?

A3 Refer to response to Question 1 above.

Q4 Re: The City's response that the plan was advertised as a Master Plan, I am under the impression that it was only advertised as a Landscaping Plan and I would like to know when the Master Plan will be advertised and was a Precinct Plan advertised?

A4 The question is unclear and requires further clarification

The following question, submitted by Ms C Woodmass, Kingsley was taken on notice at the Council Meeting held on 15 October 2002:

Q1 What percentage of the total income of the City of Joondalup is \$250,000 and can Council give examples of private companies that allows one individual to have authority for such an amount?

A1 \$250,000 is 0.37% of the total income of the City of Joondalup. The City is unable to give expenditure levels of private companies as that information is confidential. Examples of other local government authorities have been provided.

The following questions, submitted by Mr S Magyar, Heathridge were taken on notice at the Council Meeting held on 15 October 2002:

Q1 Re CJ258 - Woodvale Land Transaction - Would this transaction or this land sale be considered a major land transaction under Section 3.58 of the Local Government Act?

A1 Should the land sale be of a value greater than \$500,000 then it would qualify as a major land transaction and be subject to the provisions of Section 3.59 of the Local Government Act 1995.

Q2 Re Cr O'Brien's motion regarding Bawdy Houses – When Cr O'Brien's motion is successfully implemented and bawdy houses are banned from the City, how could Council enforce its resolution, so that this activity does not become an unauthorised home business?

A2 Any unauthorised land uses are investigated and dealt with in accordance with the enforcement provisions of the District Planning Scheme.

The following question was submitted by Mr R Phillips of Fire & Emergency Services Authority, Perth:

Re CJ255-10/02 – Consideration of Excision and Revesting of Lilburne Reserve (Reserve 35545), Location 9853 (214) Lilburne Road, Duncraig

Q1 With a 60 day advertising period being voted on, could Council please provide an estimated date of when this item will be returned to Council for consideration?

A1 It is anticipated that a report will be considered by Council at its meeting of 18 February 2003.

The following questions were submitted by Mr S Magyar:

Re: CJ266-11/02 – Warrant of Payments

Q1 Please supply details for the services or goods provided by the payment of the following cheques, and also the details of the authorisation under delegated authority for these payments:

(a) Cheque No. 42462 dated 19/09/2002 - \$125,713.95 to Building & Construction Industries;

(b) Cheque No. 42274 dated 05/09/2002 - \$168,420.55 to Municipal Property Scheme

(c) Cheque No. 42776 dated 26/09/2002 \$106,102.80 to Northside Nissan

(d) Cheque No. 42405 dated 12/09/2002 \$73,880.00 to Rans Management Group

(e) Cheque No. 42337 dated 19/09/2002 \$109,551.65 to Technology One

A1 (a) Cheque No. 42462, dated 19-09-2002, \$125,713.95 to Building & Construction Industries:

- Building and Construction Industry Training and Levy (BCITF) payment for the month of August 2002 pursuant to the Building and Construction Industry Training and Levy Collection Act 1990. This is a statutory levy collected by local government and remitted to State Government pursuant to this Act.

- (b) Cheque No. 42274, dated 05-09-20002, \$168,420.55 to Municipal Property Scheme:
- Second instalment of the insurance premium for the period 30/06/02 to 30/6/03. Council approved the purchase of insurance at its meeting of 2 July 2002.
- (c) Cheque No. 42776, dated 26-09-2002, \$106,102.80 (inclusive of GST) to Northside Nissan:
- Payment for 6 Nissan Pulsars and licence fees for those vehicles under separate purchases.
- (d) Cheque No. 42405, dated 12-09-2002, \$73,880.00 to RANS Management Group:
- \$66,000 payment to the Administrator to keep the operations going until 12 July 2002 in accordance with Council resolution dated 2 July 2002.
 - \$7,880 in respect of assets purchased from RANS Management (In Administration), which are used at the Craigie, Sorrento and Ocean Ridge centres.
- (e) Cheque No. 42337, dated 12-09-2002, \$109,551.65 to Technology One:
- Annual support fees in respect of the ProClaim One property system for the period 1/9/02 to 31/8/03. This is an ongoing obligation in respect of the systems procured by Council and is included in the annual budget.

Re: CJ267 – Financial Reports

Q2(a) Capital Works report – C601 Foreshore Protection/Restoration – the budgeted amount for this is \$1,564,713.00. Does this amount include the proposed works at Sorrento Beach?

A2(a) This amount includes \$950,000 allocated towards the Sorrento Beach redevelopment project.

Q2(b) If so, how much is left over for the protection and restoration of the rest of the Joondalup coastline?

A2(b) The remaining funds are allocated to a variety of coastal protection and restoration works including:

Burns Beach North- Beach Access	\$17,625
Various Foreshore- Fencing and Stabilisation	\$44,000
Mullaloo Foreshore Dual Use Path and Retaining Walls	\$107,720
Coastal Foreshore Dual Use Path	\$150,000
Dune Stabilisation Works – Mullaloo	\$5,126

The remaining funds are allocated to a variety of natural areas management works including Yellagonga Regional Park Dual Use Path - \$246,442 and Craigie Open Space weed eradication works totalling \$30,000.

Q3 Capital Works report – C641 Streetscape Works \$263,636. Does this include the reticulation of grassed areas in road reserves? If so, how much is planned to be spent on reticulation grass in road reserves and what is the projected maintenance costs per annum for watering road reserves?

A3 No.

Re CJ268-11/02 – Recommendations from the National Youth Conference, September 2001

Q4 What actions can the City take to implement the strategies identified in the ImagineOz workshop held on 2 May 2002? If the strategies identified in the workshop are to be limited to the existing Terms of Reference of the Youth committees, will the strategies outside their Terms of Reference be referred to the other committees of Council that may progress these issues on behalf of our youth?

A4 The City has already taken numerous actions that support the ImagineOz recommendations. Examples of these actions are:

- Talking with schools about curriculum;
- Providing information to the public about existing programs run by the City ie Community Connections;
- Bringing different age groups in the community together to resolve community issues;
- Hold workshops for life-skills education;
- Provide important health information to young people through the Youth website.

Further action can be taken through supporting the Youth Advisory Councils and the Youth Affairs Advisory Committee in using the ImagineOz recommendations as guidelines for activity over the next 12 months.

The Youth Advisory Councils would, in the first instance, act within their Terms of Reference whilst using the ImagineOz recommendations as their guidelines for activity over the next 12 months. If the Youth Advisory Councils wished to take action that was outside of the Terms of Reference, they would make a formal recommendation to the Youth Affairs Advisory Committee which, if supported, would be forwarded to Council for a decision through usual Council process.

The following questions were submitted by Mr G Lawson, Kallaroo:

Q1 What is the Council policy with regard to fill placed on a block behind a fibro or timberlap fence, is fill of this nature considered “illegal fill”. Should all “illegal fill” be removed prior to construction of a new dwelling?

A1 All works, including fill, are required to be authorised. The City can require unauthorised fill to be removed, however, as most developments require a certain amount of fill at the time of construction, it is unlikely that the City would request the fill to be removed prior to construction. The dwelling will be required to be constructed to the building levels indicated on any plan approved by Council, irrespective as to whether any fill exists on the site.

In the case of 16 Montague Way, Kallaroo, the proposed level of the dwelling (10.817) appears to be in line with the levels of the adjoining blocks, which slope from south to north, where Lot 278 (2) Lane Cove is lower lying than the subject site at a FFL of 10.31 and 18 Montague Way is higher lying at a FFL of 12.09. It would be inappropriate to require the subject site to be reduced to a level of 10.31 when assessed against the natural topography of these sites.

For height calculations, the Building Height Envelope is applied from the natural ground level of the property.

Q2 Under the 1991 R Codes, if the Council is requested to allow a nil setback as a variation to the Codes, does the Council have to take regard of “the effect of such variation on the amenity of any adjoining lot”.

A2 Yes. When exercising discretion, the City takes the “effect of such variation on the amenity of any adjoining lot” into account. This has occurred in regard to the development on Lot 151 (16) Montague Way, Kallaroo, where the issues raised in Mr Lawson’s objections were considered when staff responded to Mr Duff’s application to seek a revised proposal in regard to the wall on the boundary. This has resulted in amendments in the design and finished floor levels of the proposed dwelling at 16 Montague Way so that the current proposal can be approved with a condition to bring it into compliance with the Residential Design Codes (2002), which are used as a guide in this instance.

The following questions were submitted by Mr M Caiacob, Mullaloo:

Q1 Can I have Council’s definitions of a submission and a questionnaire?

Q2 Is a submission a questionnaire?

Q3 Is a questionnaire a submission?

Q4 If yes to 2 and 3 above, please explain why.

A1-4 These questions will be taken on notice.

Mr A Bryant, Craigie

Q1 Minutes of the House Committee Meeting on 14 October 2002 - Proposed Civic Functions, September 2003 - Lions Appreciation. As a founding member of the first Lions Club in WA formed in Perth on 22 September 1962 and accredited with forty years 100% attendance at meetings may I ask as to which Lions Clubs are being considered for this function as I am now a member of the Lions Club of Wanneroo as they didn’t have a Lions Club in Joondalup when I transferred?

A1 This question will be taken on notice.

Mr S Grech, Ocean Reef

Q1 Re: Special Council Meeting – 29 October 2002. Can you please advise if the meeting was called by those five Councillors to enable the Councillors to thoroughly vet and consider approving the hotel development plan for land situated at the intersection of Boas Avenue and Grand Boulevard, Joondalup?

A1 This question will be taken on notice.

Q2 On the basis that this was the case can you please advise as to how long it took the Council to vet and then approve this \$10 million development.

A2 The meeting lasted for 10 to 15 minutes.

Q3 Did these Councillors request that Council invoke the usual period of public consultation prior to voting on this development, and if not, why not?

A3 This question will be taken on notice.

Mrs M Macdonald, Mullaloo

Q1 Given that Administration has delegated authority to vary the development standards of a Structure Plan to approve a development without advertising, does the City have the ability to approve an application to increase the height of the Mullaloo Tavern or the proposed shopping centre at Iluka without advertising on the basis that the development would be similar to one previously approved?

A1 This question will be taken on notice.

Mr M Caiacob, Mullaloo

Q1 Does the City of Joondalup act upon anonymous complaints from the public or other members of the community?

A1 This question will be taken on notice.

Q2 Is the Mullaloo Beach Tavern parking arrangement at present a reciprocal parking arrangement between the Tavern and the public parking amenities?

A2 It is not a reciprocal parking arrangement, that applies when you have two private lots sharing parking. The term used is “cash in lieu” of parking, the parking was installed on the Crown Reserve which is Tom Simpson park.

Mr V Cusack, Kingsley

Q1 Can Council confirm if the Mayor and Chief Executive Officer are attending the National General Assembly of Local Government in Alice Springs?

A1 Yes

Q2 At the meeting on 15 October 2002, the Agenda contained item CJ243-10/02 recommending rescheduling the meeting from tonight until 12 November 2002. Can Council please provide the reasons why that report to Council failed to mention that the Mayor would in fact be attending the National General Assembly of Local Government in Alice Springs?

A2 This question will be taken on notice.

Mr S Magyar, Heathridge

Q1 Re: CJ272-11/02 – Proposed Single House – Lot 151 Montague Way, Kallaroo. Has this proposal been assessed according to the current legally standing design rules in relation to the width of garage doors?

A1 The application was lodged under the old R Codes and has been assessed under the old R Codes. It has been referred to neighbours under the same system.

Q2 Are there any transitional provisions when the current residential design codes was gazetted on 4 October 2002. Does State Government allow Councils to continue to use a law that is no longer in place?

A2 The advice received from the State Planning Commission is that Councils manage the transitional period as they like. Various local governments are handling the transitional period in accordance with their own desires. The decision was taken that the City of Joondalup would endeavour to honour the requirements of the two to three hundred applicants in the system who had designed under the old codes so that they can be cleared from the books. For all new applications lodged after 5 October 2002 the City is under the new codes and people are designing under the new codes.

Mr M Sideris, Mullaloo

Q1 Is there a publicly available list or register of development applications currently before Council at any time?

A1 No.

Q2 Re: The transitional period for the R Codes from 1991 to 2002.

(a) Can you please advise if Council has sought legal opinion as to the implementation of this transitional period?

(b) What policy, be it a local government or town planning regulation, a DPS2 requirement or any other policy within the City of Joondalup, allows this Council the legal authority to implement a transitional period after a gazetted date?

A2 This question will be taken on notice.

Ms C Lawson, Kallaroo

Q1 What are the provisions under the old R Codes for the width of garage doors?

A1 It is not believed there is a requirement for the minimum width of a garage door under the 1991 Codes.

Q2 Can a decision on Lot 151 Montague Way, Kallaroo be delayed until the neighbours have had 14 days to review the revised plans?

A2 That will be a decision for the Council to make.

APOLOGIES AND LEAVE OF ABSENCE

Apologies: Mayor Bombak.
Cr Barnett

Leave of absence previously approved:

Cr J Hurst 4 November 2002 to 6 November 2002 inclusive

Cr D Carlos 11 November 2002 to 18 November 2002 inclusive.

Withdrawal of Leave of Absence

Cr A Walker advised that she would no longer require Leave of Absence for the period 12 November 2002 to 26 November 2002 inclusive

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien declared a financial interest in Item CJ266 -11/02 – Warrant of Payments – 30 September 2002 (Voucher No 42679 – Chubb Electronic Security and Voucher No 42689 – Chubb Protective Services P/L) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr Kadak declared a financial interest in Item CJ274 -11/02 – Yellagonga Regional Park Management Plan as his property adjoins the Yellagonga Regional Park.

Director Corporate Services and Resource Management declared an interest in Item CJ273-11/02 – Proposed Showroom/Autobahn Development, Lot 704 (9) Wise Street, Joondalup as his daughter is an employee of Colliers International

Cr Hollywood declared a financial interest in CJ272-11/02 – Proposed Single House (Including wall on boundary): Lot 151 (16) Montague Way, Kallaroo, as his architect has prepared the plans for this application.

CONFIRMATION OF MINUTES

C148-11/02 MINUTES OF COUNCIL MEETING, 15 OCTOBER 2002 AND SPECIAL COUNCIL MEETING, 25 & 29 OCTOBER 2002

MOVED Cr Baker, SECONDED Cr Kimber that the following Minutes be confirmed as a true and correct record:

- **Council Meeting held on 15 October 2002**
- **Special Council Meeting held on 25/29 October 2002**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

ANNOUNCEMENTS BY THE ACTING CHAIRMAN WITHOUT DISCUSSION

SIR CHARLES COURT HELPS MARK OUR SILVER JUBILEE

It was inspirational for all those who came together to mark Joondalup's Silver Jubilee last week, to hear the words of form Premier Sir Charles Court. Considered the "Founding Father" of Joondalup, Sir Charles, at 91 is an inspiration in himself with his lifelong example of hard work and the striving for excellence.

It was an honour to be joined by Sir Charles and Lady Court. In his welcome, the Mayor called Sir Charles a true statesman and Sir Charles certainly showed us that with his vigour and vision for the future of Joondalup.

Our Silver Jubilee marks 25 years since Sir Charles' government conceived Joondalup with an Act of State Parliament. We have come a long way since then. Back then, of course, Joondalup CBD and many of the suburbs we know today were just bush.

Many good people have put a lot of effort into building Joondalup – not only the buildings and roads, universities and shopping districts – but also our sense of community.

Many people are working hard out of the limelight to help us create a city with a true spirit and place for all. These people and all those who have played a part in the creation of the Joondalup vision dating back to the days of the pioneers are to be thanked and congratulated. Sir Charles said exactly that in his inspiring speech and paid us the compliment that the City is realising its vision. He urged all involved with the City to keep up their efforts. They are certainly words to bear in mind as we set off into the achievements of the next 25 years.

PETITIONS

Nil.

**CJ261-11/02 VACANCIES - WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION - COMMITTEE
VACANCIES – [02011]**

WARD - All

PURPOSE

To call for nominations for various committees of the Western Australian Local Government Association.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to various committees.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

BACKGROUND

The Western Australian Local Government Association has invited member Council to submit nominations to the following committees:

- Building Regulations Advisory Committee;
- Impact of Combining Tourist and Permanent Residential Accommodation and the Impact of Strata Titling of Tourist Accommodation Taskforce;
- WA Environmental Health Officers Professional Review Board;
- Wetland Coordinating Committee.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Nominations for all vacancies close on Friday 8 November 2002.

Nominations must ensure that the Selection Criteria are addressed in full. Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members or serving officers of Local Government. This ensures that the Local Government representative is always active in Local Government as an elected member or serving officer.

Details of the vacancies and Nominations Forms can be found at the Policy section of the WALGA website at: <http://www.walga.asn.au/policy/committees>.

DETAILS**1 BUILDING REGULATIONS ADVISORY COMMITTEE (One Member)**

Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current elected member/serving officer experienced in or with a knowledge of, or interest in building, the building industry and building safety; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that is applicable to the position.
Background information:	The Committee is constituted under Section 435 of the Local Government (Miscellaneous Provisions) Act 1960 to advise the Minister on matters pertaining to building, the building industry and building safety.
Term:	The term commences upon appointment for a term to be determined.
Meetings:	Meetings are held quarterly, at 9.00 am on a Friday, at the LDGRD, 32 St George's Terrace, Perth. Meeting duration is 3 hours.
Meeting Fee:	A meeting fee is paid. Travel allowance is not paid.
Committee Membership:	<p>The Committee will have representation from:</p> <ul style="list-style-type: none"> • DLGRD • WA Local Government Association • Contract Management Services • City of Perth • Australian Institute of Architects

2 IMPACT OF COMBINING TOURIST AND PERMANENT RESIDENTIAL ACCOMMODATION AND THE IMPACT OF STRATA TITLING OF TOURIST ACCOMMODATION TASKFORCE (One Member)

Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current elected member; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience that is applicable to the position.
Background information:	<p>A Taskforce has been established by the Minister for Planning and Infrastructure in response to an increasing trend in the development of the tourism industry to seek a mix of tourist and permanent residential accommodation in a single development on land zoned for “tourist” purposes.</p>
Term:	<p>The term commences upon appointment. The length of the term is indefinite although a reporting date to the Minister of March 2003 is applicable.</p>
Meetings:	<p>Meeting date, time and location to be advised.</p>
Meeting Fee:	<p>Nil</p>
Committee Membership:	<p>The Committee will have representation from:</p> <ul style="list-style-type: none"> • The Hon Adele Farina, Member for the South West (Chairman); • Department of Planning and Infrastructure; • Department of Land Administration; • Valuer General’s Office; • LDGRD; • Tourism Commission of WA; • Urban Development Institute of Australia; • Property Council of Aust WA • Cape Naturalise or Augusta-Margaret River Tourism Association.

3 WA ENVIRONMENTAL HEALTH OFFICERS PROFESSIONAL REVIEW BOARD – (One Member, One Deputy Member)

Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current elected member/serving officer experienced in or with a knowledge of environmental health issues and training; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that is applicable to the position.
Background information:	<p>The Board will:</p> <ul style="list-style-type: none"> • Assess the educational content and relevant of courses by educational institutions in WA in the field of environmental health or any of its specialities, and if satisfied grant recognition to such awards; • Generally oversee and keep under review the content and relevant of courses for awards recognised by the Board, and if not satisfied, to withdraw recognition of such awards; • Assess the educational content and relevance to WA of courses by educational institutions outside WA, and grant recognition to such awards, either outright or on a reciprocal basis or with some other proviso; • Define circumstances under which environmental health experience is required for appointment to the office of environmental health officer, and assess certification for recognition by the Board; • Prepare and keep under review, in consultation with the Australian Institute of Environmental Health (WA Division) a code of professional conduct for environmental health officers; • Enquire into complaints, and if upheld, recommend remedial or disciplinary measures; • Investigate and advise on scope, manpower and structural requirements of environmental health services in WA.
Term:	The term commences upon appointment for a period of two years.
Meetings:	Meetings are held quarterly at Shenton Park, and run for a duration of 1½ - 2 hours. Date and time of meeting to be advised.
Meeting Fee:	Nil
Committee Membership:	<p>The Committee will have representation from:</p> <ul style="list-style-type: none"> • Executive Director, Public Health (Chairman); • Principal Environmental Health Officer Health Dept of WA; • Aust Institute of Environmental Health; • Curtis University; • WA Local Government Association.

4 WETLAND COORDINATING COMMITTEE – (One Member, One Deputy Member)

Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current elected member; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that is applicable to the position; • Suitable knowledge of wetland conservation and management issues as they relate to Local Government within the State of Western Australia.
Background information:	The Wetlands Coordinating Committee has been established to coordinate the implementation of the Wetland Conservation Policy for Western Australia and the activities of relevant agencies with respect to wetlands.
Term:	The term commences upon appointment and concludes on 4 May 2004. Thereafter, appointments will be for three years.
Meetings:	Meetings are held quarterly at CALM, Crawley, for a duration of up to six hours. Date and time to be advised.
Meeting Fee:	Nil.
Committee Membership:	<p>The Committee will have representation from:</p> <ul style="list-style-type: none"> • Department of Conservation and Land Management (Chairman); • Department of Planning and Infrastructure; • Department of Conservation and Land Management; • Department of Environmental Protection; • Department of Agriculture; • Waters and Rivers Commission; • WALGA; • A recognised non-government scientist and two members from the voluntary conservation movement with specific knowledge of wetlands and their biota.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Kimber that Council NOTES that no nomination was submitted for consideration of appointment to:

- **Building Regulations Advisory Committee (One Member)**
- **Impact Of Combining Tourist And Permanent Residential Accommodation And The Impact Of Strata Titling Of Tourist Accommodation Taskforce (One Member)**
- **WA Environmental Health Officers Professional Review Board – (One Member, One Deputy Member)**
- **Wetland Coordinating Committee – (One Member, One Deputy Member)**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

CJ262-11/02 MINUTES OF THE HOUSE COMMITTEE MEETING HELD ON 14 OCTOBER 2002 - [59064]

WARD - All

PURPOSE

To submit the Minutes of the House Committee meeting held on 14 October 2002 to Council for endorsement.

EXECUTIVE SUMMARY

A meeting of the House Committee was held on 14 October 2002 and the unconfirmed minutes are submitted for noting by Council and endorsement of the recommendations contained therein.

BACKGROUND

The House Committee has been established to consider matters relating to:

- Civic function requirements
- Elected Members' requirements
- Awards and presentations
- House facility services

DETAILS

The unconfirmed minutes of the House Committee meeting held on 14 October 2002 are included as Attachment 1 to this Report.

At the meeting, the following matters were discussed:

- City Christmas Function 2002
- Christmas Cards & Hampers
- Function of Events for 2003
- Mayoral Prayer Breakfast

COMMENT

It is recommended that:

- the unconfirmed minutes be noted;
- the format. Guest list and budget of the 2002 City Christmas function be agreed to;
- the style and budget of Christmas cards and elected members Christmas hampers be agreed to;
- the series of civic functions listed for 2003 be agreed to;
- the format, date* and budget for a Mayoral Prayer Breakfast in 2003 be agreed to.

*Since the meeting of the House Committee it has been advised that the 28 February 2003 is no longer suitable for all parties. It is proposed that the Mayoral Prayer Breakfast be held on Friday 21 February 2003.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION That Council:

- 1 NOTES the unconfirmed Minutes of the House Committee meeting held on 14 October 2002 forming Attachment 1 to Report CJ262-11/02;
- 2 (a) AGREES to the hosting of the 2002 Christmas Dinner on 7 December 2002 at the Joondalup Resort Terrace for 200 guests at an estimated cost of \$85 per head to be charged to Account No 11 05 05 051 3799 0001;
- (b) AGREES to revised guest list;
 - Mayor, Councillors, Chief Executive Officer, Directors and their partners;
 - Each Councillor to be permitted to invite 3 guests and their partners, from the community;
 - The Mayor may invite 6 guests and their partners;
 - Elected heads of Council and Chief Executive Officers from the Cities of Wanneroo, Stirling, Bayswater, Perth, Swan & Rockingham, Towns of Cambridge, Victoria Park & Vincent, Shires of Gingin and Cue, and the CEO of the Mindarie Regional Council;
 - Premier and Members of State Parliament, both lower and upper houses, with offices or electorates encompassing part of the district of the City of Joondalup, and their partners;
 - Major Stakeholders of the region from business, education, health and sport and their partners, invitations to be finalised and approved by Mayor & CEO.

- (c) AGREES to the proposed format and menu for the evening;
- (d) AGREES to Marketing Services booking appropriate entertainment for the evening;
- 3 (a) AGREES to the purchase of 1,000 Christmas cards for 2002, with 50 provided to each elected member and the remaining (250) provided to Directors and senior staff;
- (b) AGREES to Customised City of Joondalup Christmas cards with two version of the wording as follows:
- Very Best Wishes for the Festive Season and a Prosperous New Year from the Mayor, Councillors and Staff of the City of Joondalup;
 - Very Best Wishes for the Festive Season and a Prosperous New Year.
- (c) AGREES that each elected member be presented with a Christmas Hamper with choices of food and beverages to the value of \$150 each with associated costs being charged to Account No 11 05 05 051 3799 0001.
- 4 AGREES to the series of civic functions for 2003 as detailed in the minutes of the House Committee on 14 October 2002;
- 5 (a) AGREES to the holding of an inaugural Mayoral Prayer Breakfast, in conjunction with the City of Joondalup Churches Association, to be held on Friday 21 February 2003 at the Lakeside Function Centre;
- (b) AGREES to approach suitable organisations inviting sponsorship for the Mayoral Prayer Breakfast.
- 6 AGREES to the costs for the Mayoral Prayer Breakfast in (5b) above at an estimated cost of \$21.50 per head to be charged to Account No 11 05 05 053 4111 0001.

ADDITIONAL INFORMATION

It has been noted that the recommendations outlined to Council in Minutes of the House Committee Meeting held on 14 October 2002 (Report CJ262-11/02) are missing a few words that change the intent of the recommendation.

In Item 2(b) on page 7 of the Agenda for Meeting of Council – 5 November 2002 it was omitted that partners of ‘Elected heads of Council and Chief Executive Officers’ from invited local governments would also be invited to attend the Council Christmas Dinner on 7 December 2002.

The intention of the Officer’s recommendations and subsequent discussions with House Committee was always to invite partners of guests, however the omitted words had not been noted until now.

It is therefore put forward that the recommendation to Council be changed in include “and their partners” in Point 2(b) of the recommendation.

MOVED Cr Walker, SECONDED Cr Baker that Council:

- 1 NOTES the unconfirmed Minutes of the House Committee meeting held on 14 October 2002 forming Attachment 1 to Report CJ262-11/02;**
- 2 (a) AGREES to the hosting of the 2002 Christmas Dinner on 7 December 2002 at the Joondalup Resort Terrace for 200 guests at an estimated cost of \$85 per head to be charged to Account No 11 05 05 051 3799 0001;**
 - (b) AGREES to revised guest list;**
 - Mayor, Councillors, Chief Executive Officer, Directors and their partners;
 - Each Councillor to be permitted to invite 3 guests and their partners, from the community;
 - The Mayor may invite 6 guests and their partners;
 - Elected heads of Council and Chief Executive Officers from the Cities of Wanneroo, Stirling, Bayswater, Perth, Swan & Rockingham, Towns of Cambridge, Victoria Park & Vincent, Shires of Gingin and Cue, and the CEO of the Mindarie Regional Council, and their partners;
 - Premier and Members of State Parliament, both lower and upper houses, with offices or electorates encompassing part of the district of the City of Joondalup, and their partners;
 - Major Stakeholders of the region from business, education, health and sport and their partners, invitations to be finalised and approved by Mayor & CEO.
 - (c) AGREES to the proposed format and menu for the evening;**
 - (d) AGREES to Marketing Services booking appropriate entertainment for the evening;**
- 3 (a) AGREES to the purchase of 1,000 Christmas cards for 2002, with 50 provided to each elected member and the remaining (250) provided to Directors and senior staff;**
 - (b) AGREES to Customised City of Joondalup Christmas cards with two version of the wording as follows:**
 - Very Best Wishes for the Festive Season and a Prosperous New Year from the Mayor, Councillors and Staff of the City of Joondalup;
 - Very Best Wishes for the Festive Season and a Prosperous New Year.
 - (c) AGREES that each elected member be presented with a Christmas Hamper with choices of food and beverages to the value of \$150 each with associated costs being charged to Account No 11 05 05 051 3799 0001.**

- 4** **AGREES to the series of civic functions for 2003 as detailed in the minutes of the House Committee on 14 October 2002;**
- 5** **(a) AGREES to the holding of an inaugural Mayoral Prayer Breakfast, in conjunction with the City of Joondalup Churches Association, to be held on Friday 21 February 2003 at the Lakeside Function Centre;**
- (b) AGREES to approach suitable organisations inviting sponsorship for the Mayoral Prayer Breakfast.**
- 6** **AGREES to the costs for the Mayoral Prayer Breakfast in (5b) above at an estimated cost of \$21.50 per head to be charged to Account No 11 05 05 053 4111 0001.**

Discussion ensued.

The Motion was Put and

CARRIED (10/2)

In favour of the Motion: Crs Baker, Carlos, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Crs Hollywood, Nixon.

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1brf291002.pdf](#)

**CJ263-11/02 MINUTES OF THE CBD ENHANCEMENT PROJECT
STEERING COMMITTEE MEETING HELD ON 10
OCTOBER 2002 – [53469]**

WARD - Lakeside

PURPOSE

The CBD Enhancement Project Steering Committee met on 10 October 2002 and the minutes of the meeting are submitted for noting by Council, and consideration of relevant recommendations.

EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee considered a range of business items at its meeting held on 10 October 2002 including:

- Marketing Matrix Re-design including an update on the Marketing Plan
- Joondalup Night Markets Update
- JoondalUPDATE Publication
- CBD Website - cbd.joondalup.biz
- Update on the Central Walk Art Gallery

- Central Walk Signage
- Real Estate Agents - Student Accommodation, Breakfast (28 November 2002)

Recommendations have been made in relation to:

- Report: Swap Meet or similar Operations
- Appointment of Ms Enid Chua, Youth Advisory Council, to the CBD Enhancement Project Steering Committee

This report recommends that Council:

- 1 *NOTES the minutes of the CBD Enhancement Project Steering Committee held on 10 October 2002 (Attachment 1 to this Report refers);*
- 2 *NOTES that the CBD Enhancement Project Steering Committee supports the endorsement for a call for submissions for swap meet or similar operations in the Joondalup CBD;*
- 3 *AUTHORISES that Ms Enid Chua, Youth Advisory Council Representative, be appointed as a member of the CBD Enhancement Project Steering Committee.*

DETAILS

The minutes of the CBD Enhancement Project Steering Committee 10 October 2002 are at Attachment 1 to this Report.

Report - Swap Meet or similar Operations

The CBD Enhancement Project Steering Committee, received a copy of a report on the proposal (in draft form) from the City's CBD Promotions Officer and the matter has been discussed as a CBD Enhancement Project Steering Committee agenda item at its meeting held on 10 October 2002.

Following discussion, a motion was put that the CBD Enhancement Committee supported the call for submissions for swap meet or similar operations in the Joondalup CBD:

RECOMMENDATION

MOVED Mr R Poliwka SECONDED Cr P Kimber that the CBD Enhancement Project Steering Committee recommends to Council that it supports the endorsement for a call for submissions for swap meet or similar operations in the Joondalup CBD.

The Motion was Put and

CARRIED

Appointment of Ms Enid Chua, Youth Advisory Council, to the CBD Enhancement Project Steering Committee

Council, at its meeting held on 13 August 2002, authorised that the Committee's Terms of Reference include a representative from the Youth Advisory Council to be appointed to the Committee. A representative of the Youth Advisory Council, Ms E Chua, attended the meeting held on 10 October 2002 as a guest of the Committee:

RECOMMENDATION

That the CBD Enhancement Project Steering Committee recommends to Council that Ms Enid Chua, Youth Advisory Council Representative, be appointed as a member of the CBD Enhancement Project Steering Committee.

Strategic Implications:

Under the key result area of 'Lifestyle' Strategy 2.2 of its Strategic Plan 2000-2005, the City states that it will:

"Facilitate the development of the Joondalup City Centre".

The CBD Enhancement Project is consistent with this Key Result Area in by the City's Strategic Plan 2000-2005.

VOTING REQUIREMENTS

Absolute majority.

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 NOTES the minutes of the CBD Enhancement Project Steering Committee held on 10 October 2002 (Attachment 1 to Report CJ263-11/02 refers);**
- 2 NOTES that the CBD Enhancement Project Steering Committee supports the endorsement for a call for submissions for swap meet or similar operations in the Joondalup CBD;**
- 2 AUTHORISES that Ms Enid Chua, Youth Advisory Council Representative, be appointed as a member of the CBD Enhancement Project Steering Committee.**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (12/0)**

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 2 refers.

To access this attachment on electronic document, click here: [Attach2brf291002.pdf](#)

CJ264-11/02 JOONDALUP CBD – COUNCIL ENDORSEMENT FOR A CALL FOR SUBMISSIONS FOR SWAP MEET OR SIMILAR OPERATIONS – [53469]

WARD - Lakeside

PURPOSE

The suggestion of holding a car-boot sale, swap meet or second-hand car exchange and other activities of this nature has been raised in a number of forums, in which the City has sought consultation on ideas to activate the Central Business District (OCBD) area in the Joondalup City Centre.

This report seeks to obtain Council endorsement for the calling of submissions from interested community groups, sporting clubs and other organisations to run this type of activity. The operators would utilise car-parking facilities in the Joondalup CBD that are owned and maintained by the City of Joondalup.

EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee received a copy of the draft swap meet report and the matter has been discussed as a CBD Enhancement Project Steering Committee agenda item, at its meeting held on 10 October 2002. The Committee moved at that meeting to recommend to Council that it supports the endorsement for a call for submissions for swap meet or similar operations in the Joondalup CBD. A separate report titled *Minutes of the CBD Enhancement Project Steering Committee Meeting held on 10 October 2002* has been included in the Agenda.

The Joondalup CBD Enhancement Project was initiated by the City of Joondalup in order to activate the Joondalup Central Business District. This report provides an outline of the need for an increase in community based activities within the Joondalup CBD.

The benefits that a community activity such as a swap meet, car boot sale, second-hand car exchange or similar operation could provide to the City of Joondalup and the Joondalup City Centre are outlined here:

- 1 Provide the opportunity to broaden the appeal of the Joondalup City Centre to include times outside of traditional office hours.
- 2 Activities such as these have the potential to add some much needed vibrancy to the CBD by acting as an “attractor” to draw people into the heart of the City of Joondalup.
- 3 Provide a regular vehicle from which to showcase the Joondalup City Centre.

Successful swap meets are held on a weekly basis in Maddington, Rockingham, Melville, Belmont, Kardinya and Karrinyup. These are all run through local branches of Rotary Club. From looking at these locations it is clear to see that there are a lack of similar activities in the north metropolitan region. The Lions Club of WA also runs a small, weekly swap meet on Sunday morning at Whitford City Shopping Centre (underground car park).

This report recommends:

That Council ENDORSES the calling of submissions from local community groups, sporting clubs and other organisations to run a swap meet, car boot sale, second hand car exchange or similar event in the Joondalup CBD.

BACKGROUND

The Joondalup CBD is very busy during the traditional office hours of 9-5 Monday to Friday. However, outside these hours, on weekends and especially on Sundays the CBD has a distinct lack of atmosphere and a very low level of both vehicular and pedestrian traffic.

The City of Joondalup currently hosts the Joondalup Night Markets during the warmer summer months, in the Joondalup CBD on Reid Promenade and Central Walk.

The City also implements a summer events program on a yearly basis, which includes major events such as Christmas entertainment, large and small concerts and other family events, and culminates with the now well-respected Joondalup Festival in late March.

Joondalup CBD

The Joondalup CBD, for the purposes of the CBD Enhancement Project, is defined as the area contained in the six City blocks bordered by Shenton Avenue, Lakeside Drive, Boas Avenue and McLarty Avenue. This area is currently the subject of an across-organisational project to lift its vibrancy. The CBD Enhancement Project aims to specifically target the following elements of the Strategic Plan.

Strategic Plan:

The City of Joondalup's Strategic Plan 2000-2005 states that:

“Our vision is to.... Develop a unique City Centre, which is:

- *A vibrant place, filled with people day and night, with employment, entertainment, shopping, restaurants, arts, culture and university life.*
- *A high-technology business environment, taking advantage of leading-edge opportunities to stimulate economic growth.*
- *A viable alternative to Perth CBD.”*

Strategy 2.2

“Facilitate the development of the Joondalup City Centre.

To achieve this we will:

- *Develop initiatives and introduce incentives which encourage development*

- *Encourage and promote events and activities which create a dynamic image and bring vitality to the City Centre.”*

DETAILS

There are a number of opportunities that currently exist within the Joondalup CBD that will provide a significant amount of vibrancy to the Joondalup City Centre. It is proposed that the opportunity to hold an activity such as a swap meet on a regular basis would have numerous benefits:

- Provides a simple and effective way for local community groups, sporting clubs and other organisations to raise much-needed funds and to make a positive contribution to the local community;
- Provides a mechanism to activate the Joondalup CBD during some of the quieter periods on weekends. (Sunday mornings are particularly quiet times and are in need of an “attractor” to bring people from the surrounding areas into the CBD);
- Gives an opportunity for local organisations to be creative and offer suggestions that may not have been considered previously by the City of Joondalup.

The Joondalup CBD is in desperate need for regular community activities across the quieter weekend period that could act as a catalyst for business growth and development and could activate the Joondalup City Centre as a vibrant place seven days a week.

Submissions

It is proposed that submissions would be called from interested organisations to operate a swap meet, car boot sale, used car exchange or an activity of a similar nature within the Joondalup CBD on a regular basis.

The submissions would need to be innovative and compliment rather than compete with the Summer Events Programme that is already in place.

The submission would seek an activity or activities that are sustainable all year round, that involves local community organisations, provides a positive effect for local traders, adds vibrancy to the CBD and encourages a “win-win” situation for all stakeholders.

Calling for submissions provides the opportunity for maximising the involvement of the local community in developing the identity of the Joondalup CBD.

Location

The preferred location of the proposed activity/s would be a car park in the Joondalup CBD. This would provide the opportunity to work towards achieving the vision set out in the City of Joondalup’s 2000-2005 Strategic Plan – *Strategy 2.2 Facilitate the development of the Joondalup City Centre...Encourage and promote events and activities which create a dynamic image and bring vitality to the City Centre.*

The specific location would be negotiated with those organisations submitting submissions and would form a part of the selection criteria when assessing the responses.

Tenure

The selection panel when assessing the submissions would determine the appropriate length of time for an organisation to run the proposed activities. It is thought that at this early stage it would be more appropriate to ask for submissions that suggest varied lengths of tenure and to then assess these based on individual merit. The number of respondents may influence the length and type of tenure. This may include rotating responsibilities amongst a number of organisations, or involving different organisations for short periods of time.

Selection of Appropriate Operator/s

A selection panel, comprising representatives from appropriate business units within the City of Joondalup, will be formed to assess the submissions.

A list of selection criteria will be developed to ensure that the selection process is fair and reasonable for all applicants.

Local community groups, sporting clubs and other organisations will also receive a letter of notification of the request for submissions, via direct mail. The letter will outline the steps required to submit a submission and encourage local organisations to respond by the due date. The City of Joondalup has an up-to-date database listing each of these organisations.

The timeframe for the development, approvals and implementation for such activities is very tight if it is to be achieved in time for the coming summer months.

Attachment 1 to this Report shows a timetable outlining the critical dates to achieve this project within the desired timeframe.

Statutory Provision:

There may be leasing requirements depending on the details of the proposals received. Tenants/owners of premises adjacent to the appropriate car parks will be notified of the activities and dates on which they will occur.

As the activities will take place during weekends, it is anticipated that there will be no conflict of usage with existing stakeholders.

Conditions of use for the car park/s used for the proposed activities will stipulate that they remain in the same condition before and after use (i.e. clean and free of litter).

Trading Regulations

Local Government Act 1995 – Trading in Public Places Local Law 1999, is the local law that may be relevant in some circumstances. This law, referred to as the *City of Joondalup Trading In Public Places Local Law 1999* provides that a licence can be issued to enable street trading.

In accordance with Trading In Public Places Regulations, food stalls would have to procure a Trading in Public Places Licence.

The Health (Food Hygiene) Regulations 1993 may also need to be applied depending upon the exact nature of the planned activities.

The City has a number of documents relating to trading in public places, relevant health laws and other guidelines that would be provided to the successful applicant/s in order to ensure that all relevant laws are complied with and all Regulations are met.

Generally, the most important facilities that need to be provided in circumstances such as these are hand-washing facilities for food vendors and public conveniences (toilets) for patrons.

Consultation:

Several meetings have been held with the owners and occupiers of food and entertainment businesses in the Joondalup CBD, regarding weekend trading and the current lack of regular community events.

Staff members likely to be involved by these proposals have also been consulted and are supportive.

Financial Implications:

The financial impact on the City will be limited to the cost of obtaining submissions from local community groups, sporting clubs and other interested parties. The amount required for this to be carried out is comprised of advertising costs in the local Community newspapers and the cost of direct mail to the database of community organisations.

It is estimated that this project would cost approximately \$500.

Account No:	CBD Enhancement (Promotions Officer Salary Marketing Plan) F371
Budget Item:	Advertising 3701; Postage 3710
Budget Amount:	\$91,540
YTD Amount:	\$22,886
Actual Cost:	\$27,084

Strategic Implications:

The City's vision, as expressed in its 2000-2005 Strategic Plan, is of a vibrant City Centre, filled with people day and night, with employment, entertainment, shopping, restaurants, arts, culture and university life that is a viable alternative to Perth.

If this vision is to be achieved and the CBD is to reach its full potential then community activities, such as car boot sales and swap meets, need to be established in order to facilitate a strong community spirit and a vibrant, participative atmosphere.

Benchmarking

The majority of swap meets and car boot sales in the metropolitan area are referred to as swap marts. A high proportion of these swap marts are located in the south and east metropolitan regions, with only a small number located north of the Perth CBD.

During investigation of metropolitan swap marts it was found that a number are operated through local Rotary Clubs. The table below outlines some of the swap marts that are currently in operation.

Location	Operator	Day/ Frequency
Karrinyup Shopping Centre (undercover)	Scarborough Rotary Club	Sunday/Weekly
Kardinya Park Shopping Centre	Booragoon Rotary Club	Sunday/Weekly
Rockingham Beach Shopping Centre	Rockingham Rotary Club	Sunday/Weekly
Metro Maddington Shopping Centre	Thornlie Rotary Club	Sunday/Weekly
Whitford City Shopping Centre (undercover)	Whitfords Lions Club	Sunday/Weekly
Melville Plaza	Melville Rotary Club	Sunday/Weekly
Belmont Forum Shopping Centre	Belmont Rotary Club	Sunday/Weekly

Most of these swap marts start at approximately 6.00am and finish anytime from mid-morning until 12.00pm.

The number of bays available for sellers varies from venue to venue, with the average being approximately 150-200. The occupancy rate of these bays varies significantly depending on the time of year, weather and other factors such as competing events.

The rates charged for buyers and sellers also vary significantly.

The number of car markets or second-hand car exchanges was found to be very small. During investigations only two markets were located. These are:

- 1 Motorfair – The Monster Car Market – located at Ross Drive, Perth Airport (Domestic Terminal), trading every Sunday from 9.00am-1.00pm.
- 2 Fremantle Auto Exchange – located in a City of Fremantle car park adjacent to the Fremantle Woolstores, trading every Saturday between 8.00am and 1.00pm.

COMMENT

It is proposed that the addition of a car/car boot sale, second hand car exchange or similar activity will broaden the appeal of the Joondalup City Centre to include times outside of traditional office hours.

Activities such as these have the potential to add some much needed vibrancy to the CBD and provide an opportunity to showcase the Joondalup City Centre. These activities may provide the opportunity to act as an “attractor” to draw people into the heart of the City of Joondalup.

It must also be noted that whilst some of the swap marts operating in the south and east metropolitan regions are thriving the Whitfords Lions Club swap meet is experiencing a downturn in activity. It is believed that the dwindling numbers of both sellers and buyers is due to the obscure location (visibility), lack of promotion and poor accessibility.

The City of Joondalup’s proposal will provide a realistic alternative to this option given the accessibility of the Joondalup CBD through its excellent transport links. Joondalup CBD is located adjacent to the Joondalup train station and within a short distance of main arterial roads. The Joondalup CBD also boasts a highly level of visible from street level and passing vehicular and pedestrian traffic. The CBD Enhancement Project already has in place a number of communication vehicles in which an activity such as this can be promoted.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Kimber, SECONDED Cr Baker that Council ENDORSES the calling of submissions from local community groups, sporting clubs and other organisations to run a swap meet, car boot sale, second hand car exchange or similar event in the Joondalup CBD.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 3 refers.

To access this attachment on electronic document, click here: [Attach3brf291002.pdf](#)

CJ265-11/02 MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE, 26 SEPTEMBER 2002 – [00906]

WARD - All

PURPOSE

The Environmental and Sustainability Advisory Committee met on 26 September 2002 and the minutes of the meeting are submitted for noting by Council, and consideration of relevant recommendations.

EXECUTIVE SUMMARY

The Environmental and Sustainability Advisory Committee considered a range of business items at its meeting held on 26 September 2002. A committee recommendation to Council has been made in relation to:

- The State Governments draft Sustainability Strategy.

This report recommends that Council:

- 1 *NOTES the minutes of the Environmental and Sustainability Advisory Committee held on 26 September 2002;*
- 2 *Prepares a submission on the State Government's consultation draft, "Focus on the Future: The Western Australian State Sustainability Strategy: Consultation draft", for submission to the Department of Premier and Cabinet by the closure of the public consultation period (10 January 2003).*

BACKGROUND

The Environmental and Sustainability Advisory Committee meeting, held on 26 September 2002 covered a range of business items including;

- The State Government's launch of the draft Sustainability Strategy, for public comment, closing in January 2003.
- Cities for Climate Protection programme (Milestone 3 development of greenhouse gas reduction action plan).
- Draft Sustainability Self Evaluation guide.
- Car Free Day
- Community Funding (Environmental and Sustainable Development Fund).
- Other topics.

DETAILS

The minutes of the Environmental and Sustainability Advisory Committee 26 September 2002 are provided at Attachment A to this Report.

COMMENT

Item 5.1 refers to the launch of the State Government's draft sustainability strategy, which has been released for public comment until 10 January 2003. The committee recommends to Council that Council prepares a submission on the consultation draft, for submission to the Department of Premier and Cabinet by the closure of the public consultation period (10 January 2003). It is proposed that the submission be developed based on administrative review of the State's draft sustainability strategy. Given that Council will not be meeting in January 2003, it is anticipated that the City's submission will be referred to Council for endorsement in December 2002.

Item 6.7 of the minutes refers to a change in Council's policy in relation to the watering of dry parks. It should be noted that, contrary to item 6.7, Council's policy has not recently changed regarding the management and watering of dry parks.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood, SECONDED Cr Rowlands that Council;

- 1 NOTES the minutes of the Environmental and Sustainability Advisory Committee held on 26 September 2002 forming Attachment 1 to Report CJ265-11/02;**
- 2 PREPARES a submission on the State Government's consultation draft, "Focus on the Future: The Western Australian State Sustainability Strategy: Consultation draft", for submission to the Department of Premier and Cabinet by the closure of the public consultation period (10 January 2003).**

Discussion ensued.

During discussion, Cr Patterson left the Chamber at 1933 hrs and returned at 1935 hrs.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Rowlands, Walker. **Against the Motion:** Cr Patterson.

Appendix 4 refers.

To access this attachment on electronic document, click here: [Attach4brf291002.pdf](#)

Cr O'Brien declared a financial interest in Item CJ266 -11/02 – Warrant of Payments – 30 September 2002 (Voucher No 42679 – Chubb Electronic Security and Voucher No 42689 – Chubb Protective Services P/L) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber at this point, the time being 1937 hrs.

CJ266-11/02 WARRANT OF PAYMENTS – 30 SEPTEMBER 2002 – [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 30 September 2002 is submitted to Council for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of September 2002. It seeks Council's approval for the payment of the September 2002 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000347-000353	22,782,086.95
Director Corporate Services & Resource Management Advance Account	042228-042900	5,710,885.59
Trust Account		
	TOTAL \$	28,492,972.54

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of September 2002, the amount was \$308,283.82.

The cheque register is appended as Attachment A to this Report.

CERTIFICATE OF THE ACTING DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$28,492,972.54 which is to be submitted to each Elected Member on 5 November 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT

Acting Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$28,492,972.54 submitted to Council on 5 November 2002 is recommended for payment.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Baker, SECONDED Cr Rowlands that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 September 2002, certified by the Mayor and Acting Director Corporate Services & Resource Management and totalling \$28,492,972.54.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000347-000353	22,782,086.95
Director Corporate Services & Resource Management Advance Account	042228-042900	5,710,885.59
Trust Account		
	TOTAL \$	28,492,972.54

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Patterson, Rowlands, Walker.

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf291002.pdf](#)

Cr O'Brien entered the Chamber at this point, the time being 1939 hrs.

CJ267-11/02 FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2002 – [07882]

WARD - All

PURPOSE

The September 2002 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The September 2002 report shows a variance of \$4.1m when compared to the budget for the year to date.

This variance can be analysed as follows-

- The **Operating** position shows an actual operating surplus of \$35.3m compared to a budgeted operating surplus of \$33.3m at the end of September 2002, a difference of \$2.0m, due mainly to a surplus in fees and charges revenue, and an under spend in materials and contracts for the year to date.
- **Capital Expenditure** for the year to date is \$0.3m compared to budgeted expenditure of \$1.0m as at the end of September 2002, a difference of \$0.7m. This is due mainly to vehicle purchases that have been delayed to procure new model vehicles that will result in a better long-term changeover to the City.
- **Capital Works** expenditure for the year to date amounted to \$1.4m against a budget of \$2.8m, an under spend of \$1.4m as at the end of September 2002. However, the City has committed expenditure through raised purchase orders of \$3.17m.

DETAILS

The financial report for the period ending 30 September 2002 is appended as Attachment A to this Report.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Baker, SECONDED Cr Rowlands that Council NOTES the Financial Report for the period ending 30 September 2002.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6brf291002.pdf](#)

CJ268-11/02 RECOMMENDATIONS FROM THE NATIONAL YOUTH CONFERENCE HELD IN SEPTEMBER 2001 AND THE RESPONSE OF THE YOUTH ADVISORY COUNCILS – [38245] [05396]

WARD - All

PURPOSE

This report is to provide feedback to the Council from the Youth Advisory Councils and the Strategic Advisory Committee – Youth Affairs regarding the Recommendations from the National Youth Conference held in Perth in September 2001.

EXECUTIVE SUMMARY

The Strategic Advisory Committee – Youth Affairs requested that the recommendations from the Centenary of Federation National Conference of Young People held in Perth in September 2001, be considered by the Youth Advisory Council members in order to gain their opinions. The National Conference of Young People recommendations have been packaged and branded “*ImagineOz*” and are being promoted by a Perth-based taskforce which is funded by Commonwealth Government through the Centenary of Federation program.

A copy of the *ImagineOz* Recommendations is included with this report as Attachment 1 to this Report.

Notes from the workshop held with the Youth Advisory Councils held on 2 May 2002 to discuss the *ImagineOz* recommendations are included with this report as Attachment 2 to this Report.

Minutes of the Advisory Meeting held 3 July 2002 are included with this report as Attachment 3 to this Report.

The Terms of Reference of the Youth Advisory Councils are included with this report as Attachment 4 to this Report.

This Report recommends that Council:

- 1 Accepts the recommendations from the Strategic Advisory Committee – Youth Affairs to use the ImagineOz recommendations as guiding principles for the future work of the City of Joondalup Youth Advisory Councils;*
- 2 Support the City’s Youth Advisory Councils to implement the strategies identified in the ImagineOz workshop held on 2 May 2002 within their existing Terms of Reference.*

BACKGROUND

The Centenary of Federation **National Conference of Young People** was held in Perth in September 2001. Councillor Paul Kadak and Youth Advisory Council members Viet Nguyen, Ryan Kukura, Kate Maassen and Suzanne Akila represented the City of Joondalup at the Conference. A number of significant recommendations were made at the conference and, after much work by a taskforce of young people after the conference, have been developed into a document called “*ImagineOz*.” The recommendations reflect the aspirations of the hundreds of young people who attended the conference.

The City of Joondalup’s Strategic Advisory Committee – Youth Affairs (SAC-YA) requested that the Youth Advisory Councils be consulted regarding the *ImagineOz* recommendations. It was decided to convene a workshop to discuss *ImagineOz* in full, in order to give informed opinions to the Strategic Advisory Committee – Youth Affairs. Youth Advisory Council members were asked to consider firstly whether they agreed with the recommendations and secondly whether they thought the City of Joondalup could take an active role in their implementation. A copy of the minutes of this workshop is included in this report as Attachment 3.

DETAILS

All Youth Advisory Council members were invited to attend a workshop on Thursday 2 May 2002 from 4.30pm to 6.30pm or to submit comments via email if they were unable to participate. Two members of the *ImagineOz* taskforce were invited to attend to give an overview of the progress of the taskforce to date and provide background to the group for each recommendation. The City’s Officers facilitated the group through their discussions. Youth Advisory Council members were asked to consider each recommendation, whether they thought the City of Joondalup could achieve outcomes at a local level and what strategies might be implemented to achieve outcomes.

Attending the meeting were seven Youth Advisory Council members, two representatives of the *ImagineOz* Taskforce and the Co-ordinator Community Services.

The recommendations of the National Conference of Young People have been published in a ten-page booklet called “*Imagine*”. This booklet was given to all Youth Advisory Council members to provide background prior to the workshop discussion. The group’s responses to each recommendation are listed under each of the headings as per the “*Imagine*” document i.e.

- Reconciliation
- Equal Opportunities
- Fostering Community Development and Involvement

- Health and Well Being
- Equal Opportunities, Human Rights and Social Justice
- Environmental Protection and Sustainability

There were three key issues that arose throughout the workshop conducted for the City of Joondalup's Youth Advisory Councils. Those were –

- That the City of Joondalup has many existing programs and projects that address many of the recommendations in *ImagineOz*, however people don't know about them.
- That the engagement of Volunteers was supported.
- That Community Service Order participants could be utilised to carry out some tasks associated with some strategies e.g. Tree Planting Programs.

Financial Implications:

The Youth Advisory Councils are supported through the Youth In Government operational budget. Financial implications for any action taken by the Youth Advisory Councils will be considered within the existing operational budget. Submissions for external funding may be sought at times when specific projects are considered and only implemented if funding is successful.

Strategic Implications

The recommendations from *ImagineOz*, if used by the Youth Advisory Councils and the Strategic Advisory Committee - Youth Affairs, could provide the foundations for strategic direction for the provision of Youth Programs in the City of Joondalup for the next twelve to twenty four months.

COMMENT

The Youth Advisory Councils endorse the recommendations that were developed at the Centenary of Federation National Conference of Young People. They also believe that there are many aspects of the *ImagineOz* recommendations that can be implemented through the work of Council, the Youth Advisory Councils and officers employed in the youth services team.

The Youth Advisory Councils believe that the *ImagineOz* recommendations should be used as a basis for planning activities and programs for young people in the City Of Joondalup for the next twelve months. A special planning meeting is proposed to be conducted with the Youth Advisory Councils in November 2002, after new members have been recruited and inducted. Councillors will receive the outcomes of this planning meeting via minutes distributed in The Desk of the CEO.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Rowlands, SECONDED Cr Kimber that Council:

- 1 ACCEPTS the recommendations from the Strategic Advisory Committee – Youth Affairs to use the *ImagineOz* recommendations as guiding principles for the future work of the City of Joondalup Youth Advisory Councils;**
- 2 SUPPORTS the City’s Youth Advisory Councils to implement the strategies identified in the *ImagineOz* workshop held on 2 May 2002 within their existing Terms of Reference.**

Discussion ensued. Cr Kimber requested that the *ImagineOz* recommendations be provided to Council’s Environmental and Sustainability Advisory Committee for advice and/or information.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Rowlands, Walker. **Against the Motion:** Cr Patterson.

Appendix 7 refers.

To access this attachment on electronic document, click here: [Attach7brf291002.pdf](#)

CJ269-11/02 DELEGATED AUTHORITY REPORT – SEPTEMBER 2002 – [07032]

WARD - All

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This Report provides a resumé of the Development Applications processed by Delegated Authority from 1 September to 30 September 2002.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ269-11/02.

Cr O’Brien requested that all elected members be supplied with a copy of the new Residential Planning Codes.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf291002.pdf](#)

CJ270-11/02 SUBDIVISION REFERRALS PROCESSED 1 SEPTEMBER – 30 SEPTEMBER 2002 – [05961]

WARD - All

PURPOSE

The purpose of this report is to advise Council of subdivision referrals received by the City for processing.

EXECUTIVE SUMMARY

Attachment 1 to this Report is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 – 30 September 2002. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The subdivision applications processed will potentially enable the creation of 39 additional residential lots, 2 strata residential lots and 2 City Centre lots. The average processing time taken was 24 days.

The City did not support application 119560 for Lot 12 (5) Rimu Place, Duncraig as the proposal does not conform to the requirements of the Residential Planning Codes with respect to average lots sizes.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Baker that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ270-11/02.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf291002.pdf](#)

**CJ271-11/02 COMMUNITY FUNDING PROGRAM 2002-2003
GRANTS ALLOCATIONS - FIRST FUNDING ROUND
– [23523] [25523]**

WARD - All

PURPOSE

The purpose of this report is to provide information and make recommendations on the provision of Community Funding Program grants for the 2002/2003 financial year in accordance with the Community Funding Program's policy and guidelines.

EXECUTIVE SUMMARY

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not-for-profit and other eligible organisations. It is intended that support be offered to a range of community development initiatives consistent with the City's strategic objectives.

Funds will assist organisations and community groups to conduct projects, events and activities in the areas of community services provision, sport and recreation development, economic development, environment and sustainable development and culture and the arts development.

This is the fourth consecutive financial year in which the Community Funding Program has been administered. The Program was first introduced in July 1999. If the recommendations in this report are adopted by Council this would mean that, to date, Council has allocated a total of 179 grants through the Program to organisations and community groups in the City of Joondalup to the value of \$348,565.

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was first adopted to take effect from 1 July 1999, and a further report was sought detailing the initial funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

At the Council meetings of 14 September 1999 and 26 September 2000, the Community Funding Program Guidelines for the 1999/2000 and 2000/2001 financial years were noted (Reports CJ304-09/99 and CJ252-09/00 refer) and various amendments were made to the Community Funding Policy (Reports CJ303-09/99 and CJ247-09/00 refer).

At the Council meeting of 11 September 2001, further amendments were made to the Community Funding Policy (Report CJ298-09/01 refers). A background report and a copy of the program's guidelines for the 2001/02 financial year were provided to Elected Members at the Briefing Session held on 4 September 2001.

Together, the Policy and Guidelines form the City's Community Funding Program, a program which has been developed to enable the City to provide financial assistance to eligible not-for-profit organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

The overall objective of the Community Funding Program is to provide a framework for the provision of targeted funding, which meets Council's strategic objectives in facilitating community development, in partnership with the community. The Program aims to support the strategic objectives of the City in the areas of sport and recreation development, culture and arts development, economic development, environment development and provision of community services.

Eligible projects, events and activities include:

- Capital projects and items;
- Discrete projects, activities or events;
- Seeding grants for projects, activities or events that can demonstrate independent viability after an appropriate period;
- Projects, activities or events where all other potential sources of funding have been exhausted or are not available.

Council will not fund the following:

- Deficit funding – for organisations which are experiencing a shortfall in cash revenue or anticipated revenue;
- Recurrent salaries and recurrent operational costs;
- Proposals where alternative sources of funding are available;
- More than one request for funding in any financial year;
- Individuals, unless they are sponsored by an eligible organisation and are residents of the City;
- Government or quasi-government agencies, with the exception of schools;
- For profit organisations.

The program has five major fund categories as follows:

- Community Services Fund
- Culture and the Arts Development Fund
- Economic Development Fund
- Environment and Sustainable Development Fund
- Sport and Recreation Development Fund

Each of these fund categories has its own specific strategic objectives. In accordance with the Community Funding Policy, guidelines specific to each fund have been developed for the current financial year.

The program provides the framework for various common funding guidelines, eligibility criteria and accountability requirements that have been applied across the organisation to assess all applications for funding under the program. Applications were assessed against the following criteria:

- All eligibility criteria for funding are met;
- The application supports the mission statement, values and strategic direction of Council;
- The application addresses the funding objectives and identified priorities of the relevant fund category;
- Value for money;
- Demonstrated need;
- Community support either in cash or kind;
- Appropriate accountability processes being in place;
- Inclusion of all relevant documentation; and
- Compliance with Council’s Community Funding Program Policy and Guidelines.

DETAILS

In the first round of funding in the 2002/2003 financial year, there is a total of \$106,530 available for distribution.

After distribution of the funds carried forward from the 2001/2002 financial year for the 2nd funding round, there was a surplus \$3,900 available. This was due to the City being able to claim from the Australian Taxation Office, the GST component of a number of grants allocated, and because one of the successful applicant organisations declined to accept funding due to a change in its priorities. These surplus funds were added to the funds budgeted for the Community Funding Program in this financial year.

Financial Implications:

The following chart shows a profile of the funding arrangements for each fund category:

	Funding included in the 2002/2003 Budget	Funding Requested by all Applicant Organisations (inc GST)	Funding Recommended excluding GST (where applicable)	Balance of Funds Remaining
Community Services Fund 11.40.44.441.4402.0001	\$25,553	\$17,425	\$5,604.54	\$19,948.46
Culture & the Arts Development Fund 11.40.44.443.4402.A011	\$19,382	\$46,070	\$19,505.54	-\$123.54
Economic Development Fund 11.10.21.213.4401.F533	\$20,000	\$22,000	\$20,000	\$0
Environment & Sustainable Development Fund 11.10.21.213.4401.F030	\$20,228	\$12,340	\$5,763.64	\$14,464.36
Sport & Recreation Development Fund 11.40.44.453.4420.0001	\$21,367	\$15,188.35	\$10,171.25	\$11,195.75
TOTAL	\$106,530	\$113,023	\$61,045	\$45,485

All funds recommended for allocation are inclusive of GST. Attachment 1 to this report also includes a column for the amount of funding recommended exclusive of GST. The inclusion of this extra column reflects the true cost to the City, as the GST component of grants awarded to organisations which are registered for GST with the Australian Taxation Office (ATO) are able to be reclaimed from the ATO by the City.

The objectives and funding priorities for each fund category for the 2002/2003 financial year are as follows:

Community Services Fund

Objectives

- To support new and unique initiatives which bring identified positive benefits to youth in the City.
- To support local responses to the needs of seniors in the City.
- To increase the volunteer support base of local community groups.

Funding Priorities

Projects, events or activities which:

- Encourage the involvement and interaction of youth with their community;
- Foster a positive image of youth in the community;
- Involve seniors in active involvement in their community;
- Have a clear practical outcome; and
- Are sustainable at their completion.

Culture and the Arts Development Fund

Objectives

- To extend and support the level of participation in cultural activities within the community.
- To increase the number and variety of cultural opportunities in the municipalities.
- To assist in the improvement of community recreation.
- To positively contribute to the well being of the community.
- To increase or enhance the volunteer support base of the local community groups.

Funding Priorities

Projects, events or activities which:

- Encourage skills development and greater participation by young people with a particular focus on creating a sense of community; and
- Encourage partnerships and collaborations with other groups and individuals.

Economic Development Fund

Objectives

- To encourage the development of new businesses within the city which do not operate in direct competition to existing business.
- To fill an identified economic need within the community.
- To assist the City in achieving its stated economic development priorities.

Funding Priorities

Projects, events or activities which:

- Support strategic economic development within the City;
- Encourage participation of the local business community in partnership arrangements with other business sectors; and
- Are sustainable at their completion.

Environment and Sustainable Development Fund

Objectives

- To encourage ecologically sustainable development.
- To encourage integrated environmental, social and economic development projects.
- To provide opportunities for people to become actively involved in environmental protection and conservation activities.
- To enhance community participation and understanding of sustainable development and environmental issues.
- To provide a positive contribution to the well being of the community.
- To increase or enhance the volunteer support base of the local community groups.

Funding Priorities

Projects, activities or events which:

- Encourage efficient use of renewable energy sources;
- Encourage waste reduction, reuse and recycling;
- Reduce Greenhouse gas emissions;
- Develop eco-tourism opportunities;
- Improve air quality;
- Encourage sustainable forms of transportation (walking, cycling, etc);
- Promote ecologically sustainable business practices;
- Encourage community participation and enhance community awareness of ecologically sustainable development, sustainability and environmental issues;
- Have a clear, practical direction and are sustainable at their completion;
- Support the City's Strategic Plan (2000-2005), including strategy 1.2 (adopt and implement a Local Agenda 21 Plan) and strategy 2.6 (implement projects with a focus on improving environmental, social and economic balance);
- Enhance community sustainability and generate environmental benefits to the community;
- Integrate with other sustainable development initiatives and environmental programs;
- Represent "seed" projects, readily transferable or adaptable for wider application; and
- Are promotional and/or educational.

Sport and Recreation Development Fund

Objectives

- To extend and support the level of participation in recreation activities within the community.
- To increase the number and variety of recreation opportunities in the community.
- To assist in the improvement of community recreation.
- To positively contribute to the well being of the community.

- To increase or enhance the volunteer support base of local community groups.

Funding Priorities

Projects, events or activities which:

- Demonstrate significant benefits to the community's overall quality of life;
- Promote active participation in recreational activities;
- Expand the active membership and participation base of sport and recreation organisations; and
- Encourage partnerships and collaborations with other groups and individuals.

The Community Funding Program was advertised locally on 13 and 20 August 2002 in the local newspapers. The closing date for applications was 18 September 2002.

An information package, which contained the Community Funding Program guidelines and application forms, was posted or emailed to organisations and community groups on request. The information package was also available electronically via the City's Website.

A Community Funding Program workshop was conducted on 12 September 2002. A number of one to one meetings were held between Council officers and representatives from various organisations and community groups who had expressed an interest in receiving assistance to complete the application forms or obtain additional information about the program.

Each application received was assessed against the generic eligibility and assessment criteria together with the specific funding objectives and priorities for the 2002/2003 financial year, as contained in the Community Funding Program guidelines.

Assessment panels, consisting of Council Officers and external community members, were established as follows:

Community Services Fund:

Audrey Poole	Australian Red Cross Association - community member representing the interests of seniors
Astrid Lee	Youth Advisory Council - representing the interests of young people
Dana Anderson	Youth Development Officer - City of Joondalup
Julie Eaton	Coordinator Community Services, Community Development Services

Culture and the Arts Development Fund:

Wayne Herring	Teacher, Mater Dei College, visual and performing artist.
Felena Alach	Visual and literary arts graduate and practising artist.
Faye Muir	Eisteddfod Committee member and volunteer, music teacher, school teacher and musician
Albie Herbert	Bachelor of Fine Arts, Diploma Teaching, Visual artist (sculptor), retired-teacher Perth TAFE
Claire Pannell	Arts Project Officer, Community Development Services

Economic Development Fund:

Priscilla Cha	Research Analyst, WA Tourism Commission
Darryl Butcher	Special Projects Officer, Strategic and Corporate Planning
Fabian Uzaraga	Coordinator Sustainable Development, Strategic and Corporate Planning

Environment and Sustainable Development Fund:

Will Carstairs	Community representative, Environmental and Sustainability Advisory Committee
Steve Magyar	Community representative, Environmental and Sustainability Advisory Committee
Alison Edmunds	Coordinator, Health and Environmental Services
John Goldsmith	Sustainable Development Officer, Strategic and Corporate Planning

The following declarations of interest were made by assessment panel members;

- Mr Steve Magyar; Member of the Friends of Hepburn Heights Bushland, Friends of Yellagonga, Joondalup Community Coast Care Forum.
- Mr Will Carstairs; Member of the Friends of Yellagonga.

Sport and Recreation Development Fund:

Jeff Costello	President, Joondalup & Districts Rugby League Club
Stuart Clarke	President, Whitfords & Districts Senior Cricket Club
Patricia Ashford	Secretary, Joondalup Little Athletics
Wayne Grimes	Recreation Development Officer, Community Development Services
Craig Johnson	Recreation Officer, Community Development Services

The following chart provides a profile of the number of applications processed:

	Applications Received	Applications Received for Funding <=\$2,500	Applications Received for Funding >\$2,500	Applications Recommended for Full or Partial Funding	Applications referred to Formal Facilities Assessment Process
Community Services Fund	5	4	1	4	0
Culture & the Arts Development Fund	17	13	4	13	0
Economic Development Fund	1	0	1	1	0
Environment & Sustainable Development Fund	3	3	0	3	0
Sport & Recreation Development Fund	6	5	1	5	0
TOTAL	32	25	7	26	0

Attachment 1 to this Report includes a full listing of all applications received and applications recommended for full or partial funding. A number of applications have been recommended for approval subject to the applicants agreeing to meet certain conditions of funding.

Applications from the following 26 organisations have been recommended for funding:

Alice Stubber for/on behalf of contributors to Save Our Bushland	Relationships Australia
Currabine Primary School	Riverview Church
Edgewater Cricket Club	Sunset Coast Tourism Association
Edgewater Residents Association	Swan & Flippers Puppet Theatre
Joondalup Encore Theatre Society	The Lions Club of Ocean Reef
Joondalup Districts Cricket Club	The Montessori School
Joondalup City Church and Lake Joondalup Baptist Church	Training Ship Marmion - Australian Naval Cadets
Lakeside Christian Church	Valued Independent People
Mullaloo Heights Primary School	Visual Arts Foundation of WA Inc.
North City Christian Centre	Whitfords Bay Sailing Club
Padbury Primary School	Whitfords Church of Christ
Patricia Giles Centre	Whitfords Church of Christ -Generation Next Mums
Perth Institute of Contemporary Art	Whitfords Senior Citizens Club

COMMENT

In accordance with the provisions of the Community Funding Policy and Guidelines, all applicants will be advised as to the outcomes of their applications. Successful applicants will be required to enter into contractual agreements with the City for funds allocated under the Community Funding Program and the City will register the grants allocated. Successful applicants are also required to suitably acknowledge the financial support provided by the City. The nature of such acknowledgement will be negotiated with each successful applicant as part of the process of drafting the required funding agreements.

The Community Funding Policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the applications is made.

Should the recommendations in this report be adopted by Council, this will mean that since the introduction of the City's Community Funding Program a total of 179 grants have been allocated by the City under this program to organisations and community groups with a total value of \$348,565 as follows:

1999/2000	41 organisations	\$62,638
2000/2001	61 organisations	\$130,876
2001/2002	51 organisations	\$89,132
2002/2003	26 organisations	\$65,919

The assistance and advice provided by members of the community who voluntarily participated on the various assessment panels has been invaluable. It is recommended that their contributions be acknowledged by Council.

Arrangements will be made for the Mayor or his delegate to personally present organisations and community groups with their cheques.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Walker, SECONDED Cr O'Brien that Council:

- 1 APPROVES the grants recommended for approval under the City of Joondalup's Community Funding Program's first funding round for the financial year 2002/2003 as detailed in Report CJ271-11/02;**
- 2 ACKNOWLEDGES and thanks those members of the community who participated on the various assessment panels.**

AMENDMENT MOVED Cr Kadak, SECONDED Cr Kimber that the Motion be AMENDED as follows:

- 1 the following be included at the end of Point 1:**

".....with the following amendments:

- (a) Funding of (\$5,200) by the City's Community Funding Program to the Edgewater Residents' Association's 25th Birthday celebration.*
- (b) That funding of the Edgewater Residents' Program be apportioned in accordance with the following appropriate funding programs: \$1,900 from the Culture and the Arts Development Fund being for kids' activities, sound and lights and staging, and \$3,300 be provided from the Community Services Fund for onstage entertainment and marquees."*

- 2 the following additional Point 3 be added:**

"3 RECOMMENDS the Budget Committee considers adjusting the money allocated to the respective Community Funding Program funds for the new financial year 2003/04 in light of the demand shown in this latest funding round."

Discussion ensued.

The Amendment was Put and

CARRIED (9/3)

In favour of the Amendment: Crs Baker, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands. **Against the Amendment:** Crs Carlos, Hollywood, Walker.

The Original Motion, as amended, being:

That Council:

- 1 APPROVES the grants recommended for approval under the City of Joondalup's Community Funding Programme for the financial year 2002/2003 as detailed in Report CJ271-11/02, with the following amendments:**

- (a) **Funding of (\$5,200) by the City's Community Funding Program to the Edgewater Residents' Association's 25th Birthday celebration.**
 - (b) **That funding of the Edgewater Residents' Program be apportioned in accordance with the following appropriate funding programs: \$1,900 from the Culture and the Arts Development Fund being for kids' activities, sound and lights and staging, and \$3,300 be provided from the Community Services Fund for onstage entertainment and marquees.**
- 2 ACKNOWLEDGES and thanks those members of the community who participated on the various assessment panels;**
- 3 RECOMMENDS the Budget Committee considers adjusting the money allocated to the respective Community Funding Program funds for the new financial year 2003/04 in light of the demand shown in this latest funding round.**

Was Put and

CARRIED (11/1)

In favour of the Motion: Crs Baker, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Carlos.

Appendix 10 refers.

To access this attachment on electronic document, click here: [Attach10brf291002.pdf](#)

Cr Hollywood declared a financial interest in CJ272-11/02 – Proposed Single House (Including wall on boundary): Lot 151 (16) Montague Way, Kallaroo, as his architect has prepared the plans for this application.

Cr Hollywood left the Chamber at this point, the time being 1950 hrs.

CJ272-11/02 PROPOSED SINGLE HOUSE (INCLUDING WALL ON BOUNDARY): LOT 151 (16) MONTAGUE WAY, KALLAROO – [42750]

WARD Whitfords

PURPOSE

The purpose of this report is to request Council's determination of an application for a single house, which includes a wall on the boundary.

EXECUTIVE SUMMARY

An application has been received for a double storey house. The proposal includes a wall on the boundary being one side of the double garage. An objection to the proposed wall on the boundary was received from the adjoining property owner.

In accordance with the Notice of Delegation, this application was considered under Delegated Authority, however, was deferred for presentation to Council for determination.

Amended plans of the proposal were received on 17 October 2002. The amendments were intended to bring the proposal into compliance with the "acceptable development" under the Residential Design Codes.

It is recommended that the proposal be approved with a condition that the top of the wall on the boundary be reduced by 62mm to be at a finished level of 13.17 (2.7m high calculated from the assumed natural ground level of 10.47).

BACKGROUND

Suburb/Location: Montague Way, Kallaroo
Applicant: James and Linda Duff
Owner: James and Linda Duff
Zoning: DPS: Residential, Density Code R20
MRS: Urban

The location of this site and development plans are shown in attachments to this report. The site is vacant, and is a 'wedge' shaped block, with a street frontage of 7.12 metres, increasing to a width of 18.59 metres at the rear. The subject site is 514m² in area.

The applicant contacted the affected neighbours on 29 June 2002, with plans showing a proposed dwelling at a finished floor level of 11.186 and the garages at a floor level of 11.100. The owners of lot 278 (2) Lane Cove, Kallaroo signed the plans stating that there are no objections to the proposal.

The City subsequently received a letter (dated 19 June 2002) from the adjoining neighbour stating that it would be preferred if the finished floor level of the development be reduced and the wall be relocated away from the boundary.

The wall on the boundary is 6.99m in length.

The finished floor level of the garage was subsequently amended several times in an attempt to reduce the wall height. The latest amendment includes a reduction of the finished floor level of the garage (to 10.56) and separating the ceiling level of the garage from the slab of the upper level of the remainder of the dwelling. As a result of these amendments, the height of the wall on the boundary is 2.672m measured from the finished floor level of the garage.

The relative level of the adjoining house and garden is 10.31, and the estimated level of the adjoining property at the common boundary varies from 10.76 to 10.54.

DETAILS

Technical detail

The affected boundary is the southern boundary for the subject site and the northern boundary for the adjoining property, Lot 278 (2) Lane Cove. The entrance to the neighbouring dwelling is along the eastern elevation of the dwelling, facing into a private front yard with solid fencing along the northern, eastern and southern side of the front garden. The parapet wall is

in full view on entering the front garden from its southern boundary to get to the entrance of the dwelling.

The height of the proposed wall on the boundary is shown on the plans as being 2.414mm calculated from the finished floor level of the dwelling. The finished floor level of the garage is 256mm (3 courses) below that of the dwelling. The total height of the wall measures from the finished floor level of the garage and is therefore 2672mm.

In the absence of spot levels, it has been assumed that the natural ground level on the boundary between the two properties is at the base of the existing timberlap fence, of which 1730mm is visible above the ground level when viewed from neighbouring property and 1.560mm when viewed from the subject site.

The following dimensions apply in relation to the adjoining property:

The finished floor level of the adjoining house and garden	10.31
There is a garden bed along the common boundary on the neighbouring property with a raised level of 230mm - FFL =	10.54
Height of fence on adjoining property	1730mm
Assumed natural ground level (70mm minus 10.54)	10.47
Finished Floor level of proposed garage	10.56
Level difference between FFL of garage and assumed natural ground level	90mm
Height of wall from FFL of garage (2.414 from house FFL plus 3 courses = 258mm)	2672mm
Height of proposed parapet wall from assumed natural ground level	2762mm
Height of proposed parapet wall from ground level of adjoining property	2692mm
Portion of Wall visible over fence from neighbouring property 2692 minus 1730 (height of fence)	962mm

Statutory Provision:

The application was received prior to 4 October 2002 being the implementation date of the new Residential Design Codes 2002. The proposal is considered under the Residential Planning Codes (R-Codes) 1991 and the criteria of the Residential Design Codes 2002 for “acceptable development” are applied.

Residential Planning Codes (1991)

Under the R-Codes the length of the common boundary and the height of the wall determine the permitted length of a parapet wall.

In this instance the wall under consideration has an average height of 3 metres. The permitted length of the wall under the R-Codes is therefore restricted to one-quarter of the length of the common boundary. The common boundary is 39.36m in length permitting a wall 9.84 in length. At 6.99m in length the proposed wall is shorter than the permitted length, however, as an objection to the wall has been received, the City is required to exercise discretion.

Under Clause 1.5.10 of the R-Codes, Council is required to have regard for any submissions received during the 14-day advertising period.

Clause 1.5.10 is as follows:

“Where a proposal to vary building setback requirements may significantly affect the amenity of an adjoining property, unless the prior agreements of adjoining owners and occupiers to the proposed development has been advised, Council shall:

- (a) cause the owners and occupiers of affected property to be advised in writing of the proposed variation;*
- (b) afford reasonable access to the plans of the proposed development for a period of not less than 14 days commencing on the date of notification, and*
- (c) in its determination of the application, have regard for any submissions received during the 14 day period specified in paragraph (b) above, save that the period shall be deemed to be lapsed when submissions from all owners are received.”*

Council has the ability to determine this application under Clause 1.5.7 of the R-Codes, which states that:

1.5.7. Notwithstanding the minimum setbacks specified elsewhere in these Codes the Council may, in a particular case, allow a lesser setback, provided that in so doing the Council shall have regard to:

- (a) the objectives set out in Clause 1.2,*
- (b) the effect of such variation on the amenity of any adjoining lot,*
- (c) the existing and potential future use and development of any adjoining lots, and*
- (d) the existing setbacks from the street alignment in the immediate locality, in the case of setback from the principal street alignment.”*

Clause 1.2 states:

“1.2. OBJECTIVES

1.2.1 The objectives of the Codes are to:-

- encourage the development of a wide range of dwelling types;*
- ensure adequate standards of privacy, daylighting, sunshine and safety for all dwellings;*

- *provide appropriate levels of car parking, access, incidental open space and storage and drying facilities for each type of dwelling;*
- *protect the amenity of residential areas in relation to building size, streetscape, space about buildings, density and landscaping.*

1.2.2 Compliance with the express provisions of these Codes shall be deemed to achieve these objectives.”

(a) In considering the variation, Council is required to have regard to:

Residential Design Codes (2002)

The revised R-Codes came into effect on 4 October 2002.

Under Clause 3.3.2 (A 2) (ii) of the new codes “*any wall not higher than 3.0 metres with an average of 2.7 metres up to 9.0 metres in length up to one side boundary*” is deemed to be “*acceptable development*” (i.e. as a right).

The proposed parapet wall has a height of 2.762m from the assumed natural ground level. With a condition requiring that the wall be reduced by a further 62mm the proposed wall can be considered to be ‘as a right’ under the new codes.

Consultation

The adjoining owners provided a letter of objection to the City on 9 August 2002 highlighting the following issues:

- 1 Overshadowing: At a height of approximately 1400mm above the existing timberlap fence the proposed wall will overshadow a portion of the front garden of the adjoining property which will be more severe in winter.

Comment: While there will be overshadowing of the front garden which will complicate the adjoining property owners’ efforts to provide additional landscaping to screen the wall, the amount of overshadowing is within the limits prescribed under the provisions of the R-Codes and Residential Design Codes.

- 2 Levels: The subject site is higher than the adjoining property and therefore the parapet wall would have a greater negative impact on the adjoining property.

Comment: The subject site is higher lying than the adjoining block largely due to fill currently on the subject lot. The proposed finished floor level of the garage is 90mm higher than the assumed natural ground level on the boundary between the properties.

- 3 Orientation: The proposed wall is located along the northern boundary of the adjoining property, which has implications for solar orientation.

Comment: See 1 above.

- 4 Visual: The proposed wall faces the main entry of the adjoining property, and a wall of the length and height as proposed would have a negative visual impact on the neighbouring property.

Comment: The extent of visual impact on the adjoining property is directly linked to the height of the parapet wall.

- 5 Noise: The proposed wall on the boundary is for a double garage. The master bedroom of the adjoining property is located closest to the proposed wall, and adjoining owners have raised concerns about the impact of noise from the garage on their bedroom.

Comment: The impact of the noise from the garage would not vary significantly with an alternative siting of the garage at a setback of 1m or as a carport.

COMMENT

The proposal complies with all other aspects of the District Planning Scheme, policy and City requirements except in relation to the wall on the boundary.

As outlined in the calculations above, the proposed wall will be 962mm higher than the existing dividing fence on the common boundary. If the height of the wall is reduced by a further 62mm the proposal will comply with the Residential Design Codes and would be permitted without any comment from the adjoining owner.

The minimum ceiling height under the Building Codes of Australia is 2.1m. The current ceiling height of the garage is 2.473m.

There is scope to reduce the height of the wall by 62mm so that the top of the wall is at a finished level of 13.17 (2.7m high calculated from the assumed natural ground level of 10.47).

Given that it is possible to reduce the height of the proposal so that the wall on the boundary complies with the provision for “acceptable development” under the Residential Design Codes 2002 it is recommended that the proposal be approved subject to a condition that the wall on the boundary be reduced in height so that the finished level of the top of the wall is a relative height of 13.17.

VOTING REQUIREMENTS

Simple Majority.

OFFICER’S RECOMMENDATION: That Council:

- 1 APPROVES the application dated 2 August 2002 submitted by James and Linda Duff, the applicants and owners, for a single house including a wall on the boundary at Lot 151 (16) Montague Way, Kallaroo, for the following reasons:
- (a) The wall on the boundary be reduced in height by a further 62mm so that the finished level at the top of the wall is at a relative level of 13.17;
 - (b) The wall on the boundary being of a clean finish and made good to the satisfaction of the City.

2 ADVISES the landowner who made the submission of (1) above.

MOVED Cr Baker SECONDED Cr Carlos that Council DEFERS consideration of the application dated 2 August 2002 submitted by James and Linda Duff, the applicants and owners, for a single house including a wall on the boundary at Lot 151 (16) Montague Way, Kallaroo to allow adjoining neighbours 14 days to comment on the amended plans.

Discussion ensued.

The Motion was Put and

CARRIED (10/1)

In favour of the Motion: Crs Baker, Carlos, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Walker. **Against the Motion:** Cr Rowlands.

Appendices 11 & 11(a) refer.

To access this attachment on electronic document, click here: [Attach11agn051102.pdf](#)

[Attach11aagn051102.pdf](#)

Cr Hollywood entered the Chamber at this point, the time being 1955 hrs.

Director Corporate Services and Resource Management declared an interest in Item CJ273-11/02 – Proposed Showroom/Autobahn Development, Lot 704 (9) Wise Street, Joondalup as his daughter is an employee of Colliers International

**CJ273-11/02 PROPOSED SHOWROOM/AUTOBAHN
DEVELOPMENT: LOT 704 (9) WISE STREET,
JOONDALUP – [54211]**

WARD Lakeside

PURPOSE

The purpose of this report is to consider an application that includes a use that would result in a variation of the Joondalup City Centre Development Plan and Manual (JCCDPM).

EXECUTIVE SUMMARY

An application has been received for a proposed development comprising of 2 showrooms and a custom built facility to accommodate an AutoBahn automotive service centre.

The property is located within the Joondalup City Centre zone and is subject to the JCCDPM, which allows for a range of land uses within this area.

The lot is located within the Western Business District and is earmarked for “Comparison Shopping”, where preferred uses are identified as being Showroom, Retail and Residential (Caretaker) and also includes uses permitted within the Central Business District (CBD).

The application has been ‘called in’ for determination by Council under the provisions of the Notice of Delegation.

It is recommended that the proposal be refused on the grounds that the proposed AutoBahn use is not considered to be compatible with the intended and existing uses in the area and is more appropriately located within the Service Industrial zone (which applies to the Joondalup Business Park).

BACKGROUND

The JCCDPM was adopted in 1995 to guide the development of the Joondalup City Centre area. The document has the effect of a Structure Plan adopted under DPS2. The site is located within the Western Business District defined by the railway line and Joondalup Drive. Lot 704 (9) Wise Street lies within the Western Business District area and is within an area that the JCCDPM has described as “preferred for comparison shopping”.

The location of this site is shown in attachments to this report.

Suburb/Location: Joondalup, Wise Street
Applicant: Nick Petropulos
Owner: Napet Pty
Zoning: DPS: Centre Zone
MRS: Central City Area

DETAILS

The site is located within the Western Business district defined by the railway line and Joondalup Drive. Within this district there are three distinct types of areas, which are Regional Shopping, Comparison Shopping and Highway/Drive-in. The subject site is situated within the “Comparison Shopping” area. Comparison shopping is intended to provide for the sale of bulky goods, mainly homeware-related items and was intended to differentiate between this area, the business park and the CBD. Council has, however, previously resolved to remove the restriction on CBD uses in the Western Business District for some proposals, based on merit.

The proposal is a new development comprising two showrooms (358m²) and a custom built AutoBahn facility with a total area of 332m², comprising a showroom (32.33m²), office (27.75m²) and workshop (area). Car parking is provided in accordance with the car parking standard specified by the JCCDPM for commercial uses.

The applicant has provided the following information in support of the AutoBahn facility:

- The AutoBahn facility will be custom built, and will be state of the art.
- The facility is based on the apparent benchmark set by the Beaurepaires development located in Wise Street.
- Most of AutoBahn’s locations are now situated in retail showroom locations.
- The applicant has canvassed a number of surrounding property owners and received support for the proposal.

A copy of the company’s overview is attached.

Statutory Provision:

The JCCPM is principally used to guide to the future built form of development within the City Centre and is not intended to specifically limit land use. The subject lot comprises an existing development within the comparison shopping area where the preferred uses include Showroom, Retail and Residential (Caretaker).

The Council has previously approved variations from the JCCDPM by permitting uses that in the Western Business District that are considered to be compatible with existing and intended uses in the area.

Provision is made under Clause 4.5 of the DPS2 for Council to consider variations. The relevant clause is as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
 - (b) *have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality*

The requirements under clause 3.7.3 and 3.11.5 and criteria under Clause 6.8 are as follows:

- 3.7.3 *Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.*

3.11.5 *Notwithstanding the provisions of clause 3.11.4, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.*

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

COMMENT

The AutoBahn facility is considered to be a service industrial type use due to its predominant activity of repairing and servicing of vehicles.

The Beaufort facility that the applicant refers to is located in the same street block as the application site. While the Beaufort facility also includes a workshop (181m²), the predominant business is the sale of bulky items (tyres) from the showroom component (100m²), and its workshop functions as an incidental use to the predominant use. This is distinctly different from the proposed AutoBahn facility, where its business does not include the sale of bulky items and its main function is to provide an automotive service.

This difference is also reflected in the physical form, where the AutoBahn facility is dominated by the workshop component of the tenancy, which varies from the “comparison shopping” tenancies, which are principally showrooms.

The potential impacts of a vehicle servicing use are noise, odours and the visual appearance of the activity. The applicant has indicated that the proposed Autobahn facility will be a clean operation using state of the art technology, and therefore may not have these potentially negative impacts. However, once approval for this land use has been granted on this property, future operators with lower standards would be able to establish on the site with no requirement for any further planning approval. The workshop use is considered to be of an industrial nature and is more appropriately located in the service industrial area. The JCCPM states that Industrial uses are not considered appropriate in the Western Business District

The subject application must be considered in light of the economic development of the City Centre, versus how non-preferred uses under the JCCPM will impact upon the development of this area. The early decisions on land uses during the development of the City Centre are likely to have a significant bearing on the future character of the area.

It is considered that a case for a variation of the JCCPM has not been established in this instance. The proposal also has the potential to attract other non-compatible uses to the Western Business District. The Joondalup Business Park has been established to cater for this type of use, and it is considered to be more appropriately located in that area. The proposal is therefore not supported.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Walker, SECONDED Cr Patterson that Council REFUSES the application dated 3 July 2002 submitted by Nick Petropulos, the applicant, on behalf of the owner, Napet Pty Ltd, for a new development including two showroom tenancies and one AutoBahn tenancy on Lot 704 (9) Wise Street, Joondalup, for the following reasons:

- 1 The proposed use is not a "preferred" use under the Joondalup City Centre Development Plan and Manual;
- 2 The proposed use is not considered compatible with the intended and existing uses in the area and is more appropriately located within the Service Industrial area;
- 3 The proposed use may generate potential impacts of noise and odours, and may visually detract from the area, which will have a negative impact on the amenity of the Western Business District; and
- 4 The proposed use would be contrary to the orderly and proper planning of the locality in terms of the intended future land uses and character of the area.

Discussion ensued.

The Motion was Put and

LOST (1/11)

In favour of the Motion: Cr Walker. **Against the Motion:** Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 EXERCISES DISCRETION pursuant to Clause 4.5 of District Planning Scheme No 2 and determines that a variation of the provisions of the Joondalup City Centre Development Plan & Manual (JCCDPM) to allow for Vehicle Repairs is appropriate;**
- 2 APPROVES the application dated 3 July 2002 submitted by N Petropulos and behalf of the owner Napet Pty Ltd for a 3 Unit Showroom Development including Vehicle Repairs on Lot 704, 9 Wise Street cnr Clarke Crescent, Joondalup, subject to:**
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (b) Carparking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. An end bay (bay 1) is to be 2.8metres wide and an end bays in a blind aisle (bays 12,18,11) are to be 3.5metres wide;**
 - (c) One (1) disabled carparking bay located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility;**
 - (d) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (e) The driveways and crossover to be designed and constructed to the satisfaction of the City;**
 - (f) Car parking grades are generally not to exceed 6% and disabled car bays are to have a maximum grade of 2.5%;**

- (g) To assist with sight lines the north-eastern corner of the building is required to be truncated. Alternatively some other form of pedestrian protection to the satisfaction of the City can be provided;**
- (h) The footpath treatment in the adjoining road reserve to be continued to the front of the building in a design with a finished floor level that matches the existing paving and at a grade of 2% rising from the kerb line, prior to the development first being occupied;**
- (i) The bin store is to have minimum internal dimensions of 3.5m x 2.5m and be fitted with a gate;**
- (j) No vehicle access is permitted onto Clarke Crescent;**
- (k) Suitable means to be provided to the satisfaction of the City to prevent vehicles from overhanging onto the Clarke Crescent footpath;**
- (l) The granting of an easement in gross in favour of the City of Joondalup to the satisfaction of the City over the proposed access way along the northern boundary of the lot in order to facilitate reciprocal vehicle access between Lot 704 and Lot 703;**
- (m) Design levels of the development to be to the satisfaction of the City. In particular the finished floor levels of the tenancies are to be flush with the adjoining footpath in Wise Street so as to allow for access for disabled persons;**
- (n) No obscured or reflective glazing is permitted in the elevations facing Wise Street or Clarke Crescent;**
- (o) The canopy extending over the adjoining road reserve to be a minimum width of two metres and have a minimum ground clearance of 2.75m;**
- (p) A separate development approval shall be obtained before installation of any advertising signs. All advertising signs are to be integrated with the building design;**
- (q) Any roof-mounted or freestanding plant or equipment to be located/screened so as not to be visible from Wise Street or Clarke Crescent;**
- (r) The submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed workshop component is capable of containing all noise emissions in accordance with the Environmental Protection Act;**
- (s) All repair and servicing work to vehicles to be conducted within the workshop area of tenancy 1.**

Footnotes:

- (a) The development is to provide for access and toilet facilities for people with disabilities.**
- (b) Compliance with the Building Code of Australia (BCA) provisions for access and facilities for people with disabilities may not discharge any owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunity Commission has developed guidelines to assist owners and developers in designing developments, which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disability Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.**
- (c) In regard to condition c), bay 1 is considered to be conveniently located for use as a disabled bay.**
- (d) With reference to condition d) the connection point is located inside the lot close to the crossover. Please note that stormwater is not permitted to flow onto the adjacent lot across the driveway.**
- (e) With regard to condition e) please note that the level of the access ways and parking areas is required to match the existing driveway along on the adjoining lot.**
- (f) With reference to condition h), the infill paving is to be constructed using Midland "Joondalup Red" pavers.**
- (g) With reference to condition i) the bin store is required to be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock.**
- (h) The activities on the subject site are to be conducted in such a manner so as to minimise the emission of noise and odours to reduce the impact on the adjoining lots in accordance with the Environmental Protection Act.**
- (i) Floors to wet areas to be suitably surfaced and graded to a floor waste.**
- (j) Each tenancy is required to be provided with a sink for drink water purposes.**
- (k) The workshop component of tenancy 1 to be provided with a petrol and oil trap in compliance with the requirements of the Water Corporation.**

Discussion ensued, with the following reasons given for the departure from the Officer's Recommendation:

- The proposed activity is appropriate for the locality, will be custom-built and state of the art;
- The proposed activity is similar to a recently approved application in the locality;
- Approval of the proposal would be in the interests of good development in the City of Joondalup;

- The applicant has received support from surrounding property owners;
- The proposed activity will be of benefit to users of the rail station that wish to have their vehicles serviced locally.

The Motion was Put and**CARRIED (12/0)**

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 12 refers.

To access this attachment on electronic document, click here: [Attach12brf291002.pdf](#)

Cr Kadak declared a financial interest in Item CJ274-11/02 – Yellagonga Regional Park Management Plan as his property adjoins the Yellagonga Regional Park.

Crs Kadak, Baker and Walker left the Chamber at this point, the time being 2010 hrs.

CJ274-11/02 YELLAGONA REGIONAL PARK MANAGEMENT PLAN – [03370]

WARD - All

PURPOSE

For Council to consider endorsement of the proposed final Yellagonga Regional Park Management Plan 2002-2012.

EXECUTIVE SUMMARY

The Department of Conservation and Land Management (CALM) has submitted the proposed final version of the Yellagonga Regional Park Management Plan (2002-2012).

The management plan is strategic in nature with the purpose of providing broad direction for the planning, management and development of the Yellagonga Regional Park.

CALM's proposed final management plan is based on forty five public submissions on the draft management plan. The City's comments on the draft plan were endorsed by Council and referred to CALM as part of the public consultation process (refer to CJ006-02/01). CALM has developed the proposed final management plan, after consideration of the public submissions and the City's comments on the draft plan.

CALM is now seeking Council's endorsement of the final plan. A response from Council is sought by mid-November 2002. Following Council's response, CALM will refer the management plan to the Minister for the Environment and Heritage, and the Conservation Commission of Western Australia (CALM's controlling body), for final endorsement and release.

This report recommends that Council;

- 1 *ENDORSES the proposed final Yellagonga Regional Park Management Plan 2002-2012 (Attachment 2) and ADVISES the Department of Conservation and Land Management.*
- 2 *LIAISES with the Department of Conservation and Land Management in relation to the development of its annual works programme and five year implementation programme, referred to in the proposed final Yellagonga Regional Park Management Plan 2002-2012.*
- 3 *LIAISES with the Department of Conservation and Land Management regarding the development of a review process for the subsequent Yellagonga Management Plan (2012-2022).*
- 4 *THANKS the Department of Conservation and Land Management for the opportunity to endorse the proposed final Yellagonga Regional Park Draft Management Plan (2002-2012).*

BACKGROUND

The preparation of the Yellagonga Regional Park Draft Management Plan was coordinated by a consultancy team led by Plan E, in conjunction with the managers of Yellagonga Regional Park, CALM, City of Wanneroo and City of Joondalup. The plan was prepared in five phases over a period of four years.

As the management plan is strategic in nature providing broad direction, the strategies proposed are aimed at addressing planning, management issues and concerns only. The management plan does not provide the detailed implementation plans to address each of the strategies. Such implementation plans will be required to be developed separately, through the establishment of joint working parties representing the relevant agencies and council, prior to any operation or activity being undertaken within the park.

The Yellagonga Regional Park Draft Management Plan was released by CALM on 17 April 2000 for public comment with the period closing on 29 July 2000. Since the close of submissions CALM has been analysing the responses. The draft management plan notes that the Cities shall, jointly with CALM, consider the submissions made on the Draft Plan and consider why changes should be made in the light of those submissions. Council reviewed the draft Yellagonga Regional Park Management Plan at its meeting held on 13 February 2001 (refer to report CJ006-02/01), and made the following resolutions;

That Council

- 1 *ADVISES the Department of Conservation and Land Management of the comments presented in this report, forming Attachment 2 to Report CJ006-02/01, in relation to the Yellagonga Regional Park Draft Management Plan and the Analysis of Public Submissions;*
- 2 *Notes that the final Yellagonga Regional Park Management Plan will be provided by the Department of Conservation and Land Management, for endorsement by Council.*

- 3 *Thanks the Department of Conservation and Land Management for the opportunity to review public submissions and to provide comment on the Yellagonga Regional Park Draft Management Plan and Analysis of Public Submissions.*
- 4 *Seeks further discussion with the Department of Conservation and Land Management, concerning the program for the development of implementation plans to support the management plan strategies*

DETAILS

The draft management plan for the Yellagonga Regional Park is provided as Attachment 1 to this Report.

The proposed final management plan for the Yellagonga Regional Park is provided as Attachment 2 to this Report.

Various amendments have been made between the draft and the proposed final management plan, including additional explanatory information on a range of topics.

Statutory Provision:

Preparation of a management plan for the Yellagonga Regional Park is a statutory obligation for the Department of Conservation and Land Management.

The proposed final management plan notes that;

“As the controlling body, the Conservation Commission of Western Australia is responsible for having management plans prepared for all lands that are vested in it. A Draft Management Plan for Yellagonga Regional Park was prepared by the Department of Conservation and Land Management and issued for public comment in April 2000. Forty five submissions were received and considered in the preparation of this Final Management Plan prior to its approval by the Conservation Commission of Western Australia and the Minister for the Environment and Heritage”.

Consultation:

Consultation on the proposed final Yellagonga Regional Park Management Plan has been undertaken with administrative staff from Infrastructure Management Services (Operations Services), Health and Environmental Services, and Strategic and Corporate Planning.

Policy Implications:

Council’s endorsement of the proposed final Yellagonga Regional Park Management Plan is consistent with, and provides a practical application of the City of Joondalup Environmental Sustainability Policy 2.6.4.

Financial Implications:

Whilst the proposed final Yellagonga Regional Park Management Plan does not itemise financial, resource and budget requirements for the plan’s implementation, CALM has indicated that an implementation programme and annual works programme will be developed,

which is expected to address resource requirements. As noted in Strategy 1, section 41, it will be CALM's responsibility to prepare and implement the implementation programme and annual works programme. The Department of Conservation and Land Management will be responsible for the management of the majority of the Regional Park.

Strategic Implications:

Endorsement and implementation of the final Yellagonga Regional Park Management Plan (2002-2012) is consistent with the City's Strategic Plan (2000-2005) and the following Key Result Areas;

“Leadership

Strategy 1.1, Fulfil and maintain a regional coordinating role. This will be achieved by; Facilitate economic, environmental and social development at a regional level.

Lifestyle

Strategy 2.6, Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability. To achieve this we will... ..implement projects with focus on improving environmental, social and economic balance”.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ENDORSES the proposed final Yellagonga Regional Park Management Plan 2002-2012 (Attachment 2 to Report CJ274-11/02) and ADVISES the Department of Conservation and Land Management.
- 2 LIAISES with the Department of Conservation and Land Management in relation to the development of its annual works programme and five-year implementation programme, referred to in the proposed final Yellagonga Regional Park Management Plan 2002-2012.
- 3 LIAISES with the Department of Conservation and Land Management regarding the development of a review process for the subsequent Yellagonga Management Plan (2012-2022)
- 4 THANKS the Department of Conservation and Land Management for the opportunity to endorse the proposed final Yellagonga Regional Park Draft Management Plan (2002-2012).

Cr Walker entered the Chamber at this point the time being 2011 hrs.

MOVED Cr O'Brien, SECONDED Cr Rowlands that Council;

- 1 ENDORSES the proposed final Yellagonga Regional Park Management Plan 2002-2012 (Attachment 2 to Report CJ274-11/02) and ADVISES the Department of Conservation and Land Management.**

- 2 LIAISES with the Department of Conservation and Land Management in relation to the development of its annual works programme and five-year implementation programme, referred to in the proposed final Yellagonga Regional Park Management Plan 2002-2012.**
- 3 LIAISES with the Department of Conservation and Land Management regarding the development of a review process for the subsequent Yellagonga Management Plan (2012-2022)**
- 4 THANKS the Department of Conservation and Land Management for the opportunity to endorse the proposed final Yellagonga Regional Park Draft Management Plan (2002-2012);**
- 5 ACKNOWLEDGES the input of the Yellagonga Catchment Group, the Friends of Yellagonga and other volunteer groups in their actions in support of the Regional Park.**

Discussion ensued.

Cr Baker entered the Chamber at this point, the time being 2012 hrs.

The Motion was Put and

CARRIED (10/1)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Rowlands, Walker. **Against the Motion:** Cr Patterson.

Appendix 13 refers.

To access this attachment on electronic document, click here: [Attach13agn051102.pdf](#)

C149-11/02 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Rowlands, SECONDED Cr Kimber that in accordance with clause 5.6 of the City's Standing Orders Local Law the meeting be held behind closed doors to enable consideration to be given to:

- CJ275-11/02 Streetside Benches Proposed Settlement, being a matter of possible legal action;**
- CJ276-11/02 Lot 62, Part A Winton Road, Joondalup, being a matter relating to a contract;**

the time being 2014 hrs.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Members of the public and press left the Chamber at this point, the time being 2014 hrs.

*Cr Rowlands left the Chamber at this point, the time being 2014 hrs.
Cr Kadak entered the Chamber at this point, the time being 2014 hrs.*

**CJ275-11/02 STREETSIDE BENCHES PROPOSED SETTLEMENT
– [45612] [45924]**

WARD - All

DETAILS

This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

OFFICER’S RECOMMENDATION: That Council **AUTHORISES** the Chief Executive Officer to negotiate a “without prejudice” deed of release and settlement with Streetside Advertising, subject to Council’s final approval of the deed.

MOVED Cr O’Brien, SECONDED Cr Carlos that Council AUTHORISES the Chief Executive Officer, Cr Baker and Cr O’Brien to negotiate a “without prejudice” deed of release and settlement with Streetside Advertising, subject to Council’s final approval of the deed.

Cr Rowlands entered the Chamber at this point, the time being 2016 hrs.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Rowlands, Walker. **Against the Motion:** Cr Patterson.

REPORT OF THE CHIEF EXECUTIVE OFFICER

**CJ276-11/02 LOT 62, PART A WINTON ROAD, JOONDALUP –
[50180]**

DETAILS

This Item is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

MOVED Cr Walker, SECONDED Cr Nixon that Council ADVISES the Department for Planning and Infrastructure (DPI) that the City is no longer interested in purchasing Lot 62 Part A, Winton Road, Joondalup.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Crs Baker, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Carlos.

C150-11/02 MOTION TO GO TO OPEN DOORS

MOVED Cr Kimber, SECONDED Cr Rowlands that the meeting be now held with open doors, the time being 2022 hrs.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Members of the staff and the public entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Manager Marketing, Communications and Council Support read the Motion in relation to Confidential Reports:

- CJ275-11/02 Streetside Benches Proposed Settlement;
- CJ276-11/02 Lot 62, Part A Winton Road, Joondalup.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C151-11/02 NOTICE OF MOTION NO 1 – CR C MACKINTOSH**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Carol Mackintosh has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 15 October 2002:

“That Councillors Carlos, Hollywood and Walker be hereby requested to forthwith apologise to:

- 1.1 the staff of the City of Joondalup;*
- 1.2 the other Councillors of the City of Joondalup, and;*
- 1.3 more importantly, the ratepayers of the City of Joondalup;*

for their group walkout during the Council meeting conducted on Tuesday 24 September 2002 following the rejection of Cr Carlos' failed rescission motion to rescind the approval for the much needed redevelopment of the Mullaloo Tavern, failing which they be formally censured for their conduct unbecoming of a Councillor.”

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Mackintosh, SECONDED Cr Baker that Councillors Carlos, Hollywood and Walker be hereby requested to forthwith apologise to:

- 1.1 the staff of the City of Joondalup;
- 1.2 the other Councillors of the City of Joondalup, and;
- 1.3 more importantly, the ratepayers of the City of Joondalup;

for their group walkout during the Council meeting conducted on Tuesday 24 September 2002 following the rejection of Cr Carlos' failed rescission motion to rescind the approval for the much needed redevelopment of the Mullaloo Tavern, failing which they be formally censured for their conduct unbecoming of a Councillor.

Discussion ensued.

The Motion was Put and

LOST (4/8)

In favour of the Motion: Crs Baker, Kenworthy, Kimber, Mackintosh. **Against the Motion:** Crs Carlos, Hollywood, Kadak, Nixon, O'Brien, Patterson, Rowlands, Walker.

C152-11/02 NOTICE OF MOTION NO 2 – CR J HOLLYWOOD - [05564] [01369] [02154]

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 5 November 2002:

“That Council:

- 1 AGREES to bring twelve young people and four carers from the Shire of Cue to experience the City's Extreme Youth Festival in 2002 at an estimated cost of \$3,700 as part of the Youth Exchange Programme;*
- 2 APPROVES the expenditure in (1) above to Account No 11 10 21 211 4101 0001.”*

OFFICER'S COMMENT

At the Council Meeting on 15 October 2002 a report was submitted recommending:

“That Council:

- 1 ESTABLISHES a City-Country Sister City relationship with the Shire of Cue;*
- 2 APPROVES in accordance with Section 6.8(1) of the Local Government Act 1995 the reallocation in the 2002/2003 budget of \$7,320 to facilitate two youth exchanges bringing young people from the Shire of Cue to experience the City's Extreme Youth Festival in 2002 and Joondalup Festival in 2003; and*
- 3 LISTS FOR CONSIDERATION the allocation of funds in the 2003/2004 budget to form an ongoing youth exchange program between the City of Joondalup to the Shire of Cue.*

At the same meeting a motion was put and carried that:

“consideration of establishing a City-Country Sister City relationship with the Shire of Cue be DEFERRED to allow further analysis to be undertaken and a report submitted to the next meeting of Council.”

Cr Hollywood has since given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 5 November 2002.

“That Council:

- 1 AGREES to bring twelve young people and four carers from the Shire of Cue to experience the City’s Extreme Youth Festival in 2002 at an estimated cost of \$3,700 as part of the Youth Exchange Programme;*
- 2 APPROVES the expenditure in (1) above to Account No 11 10 21 211 4101 0001.”*

Why develop a relationship with the Shire of Cue?

Extensive analysis was conducted to determine those country towns most suitable for the City of Joondalup to create a sister city relationship with.

This year, 2002, is ‘Australia’s Year of the Outback. The aim is promote the ‘Spirit of the Outback’. With this in mind research was focused particularly on small country, outback towns.

Over the past year the City of Joondalup has established an officer exchange with the Shire of Cue with the objective of assisting in the planning and community consultation for the Shire of Cue’s inaugural cultural festival ‘Qfest Cue Outback Festival’. This work experience offered staff at the City of Joondalup professional development opportunities and a new perspective on festival development.

During this trip, City of Joondalup staff introduced the possibility of a city-country relationship to the Shire of Cue to assess its interest. The idea received enthusiastic support from Councillors. Subsequently, a letter has been sent to the City of Joondalup from the Shire of Cue’s Chief Executive Officer registering that support.

The Shire of Cue provides strong opportunities on which to build a successful city-country relationship. City staff have already gained significant benefits through professional development and future opportunities through cultural exchange exist.

Why develop a youth exchange for the Extreme Youth Festival?

The report submitted to Council on 15 October 2002 proposed that youth and cultural exchange be used as a focus to develop a city-country relationship with the Shire of Cue. It was recommended that this could be achieved through a youth exchange program for two of the City’s upcoming cultural events, the Extreme Youth Festival in November 2002 and the Joondalup Festival in February 2003.

Cr Hollywood has given notice of his intention to move a motion at the Council meeting to be held on Tuesday 5 November 2002 that Council approve the first trip bringing young people down from the Shire of Cue to attend the City’s Extreme Youth Festival.

The Extreme Youth Festival will be held on 24 November 2002. If this motion is passed by Council on 5 November there will still be sufficient time to organise young people from the Shire of Cue to come down for this event. A decision at a later date will mean that only one exchange could go ahead this financial year during the City’s Joondalup Festival in February 2003.

This exchange for the Extreme Youth Festival could provide excellent benefits, allowing the City to use this trip as an experiment to assess and evaluate whether it would like to establish and continue with the development of a city-country relationship and to determine the suitability of the Shire of Cue as a partner.

VOTING REQUIREMENT

Simple Majority

MOVED Cr Hollywood, SECONDED Cr Rowlands that Council:

- 1 AGREES to bring twelve young people and four carers from the Shire of Cue to experience the City's Extreme Youth Festival in 2002 at an estimated cost of \$3,700 as part of the Youth Exchange Programme;**
- 2 APPROVES the expenditure in (1) above to Account No 11 10 21 211 4101 0001.**

Discussion ensued.

The Motion was Put and

CARRIED (8/4)

In favour of the Motion: Crs Carlos, Hollywood, Kadak, Kenworthy, Nixon, O'Brien, Rowlands, Walker.

Against the Motion: Crs Baker, Kimber, Mackintosh, Patterson.

Cr Nixon left the Chamber at this point, the time being 2108 hrs.

C153-11/02 NOTICE OF MOTION NO 3 – CR A WALKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Allison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 5 November 2002:

“That Council makes provision for a Second Public Question Time at the Council meeting to be held on 5 November 2002. This Second Public Question Time will be specifically for ratepayers to ask questions about decisions that have been made during the Council meeting of 5 November 2002 and shall be held after the completion of all business and before the close of the Council meeting of 5 November 2002.”

OFFICER'S COMMENT

Clause 3.2 of the City's Standing Orders Local Law details the order of business, unless resolved by Council, that is to transpire at an ordinary meeting of Council.

Council has previously agreed to the order of business at an ordinary meeting of Council being as follows:

Open and Welcome
Public Question Time
Apologies and leave of absence

Declaration of financial interest/interest that may affect impartiality
Confirmation of Minutes
Announcements by the Mayor without discussion
Petitions
Reports
Report of the Chief Executive Officer
Motions of which previous notice has been given
Date of next meeting
Closure

Clause 3.2 allows Council by resolution to alter its order of business. If Council agrees to the proposed Notice of Motion, then the order of business for the meeting held on 5 November 2002 will be altered to include a second period of public question time.

VOTING REQUIREMENT

Simple Majority

MOVED Cr Walker, SECONDED Cr Rowlands that Council makes provision for a Second Public Question Time at the Council meeting to be held on 5 November 2002. This Second Public Question Time will be specifically for ratepayers to ask questions about decisions that have been made during the Council meeting of 5 November 2002 and shall be held after the completion of all business and before the close of the Council meeting of 5 November 2002.

Discussion ensued.

The Motion was Put and

CARRIED (10/1)

In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, Kenworthy, Kimber, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Mackintosh.

Cr Nixon entered the Chamber at this point, the time being 2112 hrs.

C154-11/02 NOTICE OF MOTION NO 4 – CR J HOLLYWOOD

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 5 November 2002:

“That the Council REQUESTS the Chief Executive Officer not to include any newsletter and/or publications pertaining to any political party within his weekly distributed internal publication to elected members - 'Desk of the CEO'”

OFFICER'S COMMENT

The 'Desk of the CEO' is an internal publication prepared by the Office of the Chief Executive on a weekly basis. The publication is aimed to keep all elected members informed on many issues that confront the Council. It is an important communication tool between elected members and the Administration.

Part of this important information dissemination may include documentation of a political nature, or affiliated to a political party. It is felt that such documentation is important to elected members to ensure that they keep abreast of various issues of a political nature. Such information is regarded as relevant to the role of an elected member operating in political environments.

As the publication is provided to all elected members as a group, if there are sections of the document that an elected member may feel is not of interest, they may choose not to read that section

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, SECONDED Cr Walker that the Council REQUESTS the Chief Executive Officer not to include any newsletter and/or publications pertaining to any political party within his weekly distributed internal publication to elected members - 'Desk of the CEO'"

Discussion ensued.

The Motion was Put and

TIED (6/6)

There being an equal number of votes, the Acting Chairman exercised his casting vote and declared the Motion

LOST

In favour of the Motion: Crs Carlos, Hollywood, Nixon, O'Brien, Patterson, Walker. **Against the Motion:** Crs Baker, Kadak, Kenworthy, Kimber, Mackintosh, Rowlands.

SECOND PUBLIC QUESTION TIME

Mr S Magyar, Heathridge

Q1 Re: Item CJ273-11/02 – The Exercise of Discretion to approve the Autobahn Development Application. Does Council regard that it followed due process as prescribed under the District Town Planning Scheme No.2?

Q2 Under Clause 4.53 of the District Town Planning Scheme No.2 it states that the power to exercise discretion may only be done if Council is satisfied that approval of the proposed development would be appropriate having regard to the criteria in Clause 6.8 of the Town Planning Scheme. Included under 6.8 is the comments or wishes of any objectors or supporters of the application. Has Council satisfied the due process as specified under Clause 4.53 saying that you should have only exercised this discretion after you have obtained the comments or wishes or any objectors or supporters for the application. Has Council obtained the comments?

A1&2 These questions will be taken on notice.

Cr Patterson left the Chamber at this point the time being 2125 hrs.

Mr M Caiacob, Mullaloo

Q1 Re: Desk of the CEO – Can I please have the costs per week of putting out information as discussed this evening in paper form to all the Councillors and is it possible to have this information electronically distributed rather than in paper form?

A1 This question will be taken on notice.

Mrs M Macdonald, Mullaloo

Q1 Cr Kadak indicated that the Desk of the CEO provided was just to the elected members. Is this correct or does any other senior staff get this publication?

A1 The document is distributed thorough the Intranet and is available to all Council staff that have access to the Intranet. It is also circulated in hard copy to a number of staff.

Q2 Why then wasn't Cr Kadak corrected in his statement that would have possibly made a difference to the whole motion?

A2 Council cannot answer that question.

Mr M Sideris, Mullaloo

Q1 Re: Warrant of Payments - Account No. 42641 to Watts Woodhouse - is it possible to advise a breakdown as to what that account was for and if there was anything dealing with legal opinions, what the matters of legal opinions related to?

A1 This question will be taken on notice.

Mr S Magyar, Heathridge

Q1 Re: Agenda Item CJ272-11/02 – Proposed Single House Lot 151 Montague Way, Kallaroo. Will that information be assessed according to the new R Codes which restricts the width of garage doors to fifty per cent of the frontage at the set back line or will it be assessed according to some other criteria?

A1 Based on the lodgement date of the application as it stands, the City would assess it under the old codes. If the application was withdrawn and a fresh application was lodged, the City would be bound to assess it under the new codes. The new codes talk about the active streetscapes of buildings and garage doors covering portions of dwellings and those sorts of matters.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **26 November 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

There being no further business, the Acting Chairman declared the Meeting closed at 2133 hrs; the following elected members being present at that time:

Cr P KADAK
Cr P KIMBER
Cr D CARLOS
Cr C BAKER
Cr A NIXON
Cr J F HOLLYWOOD, JP
Cr A WALKER
Cr P ROWLANDS
Cr T BARNETT
Cr M O'BRIEN, JP
Cr G KENWORTHY
Cr C MACKINTOSH